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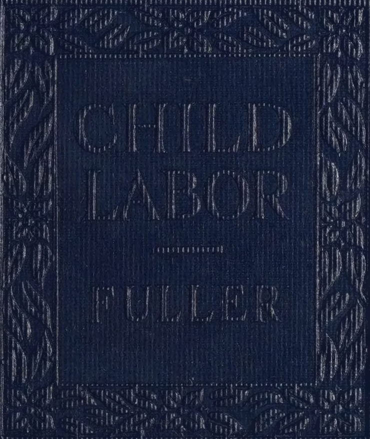

CHILD LABOR

FULLER

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CHILD LABOR AND THE CONSTITUTION

It is perfectly apparent by this time that the Promised Land of wholesome social life cannot be seen clearly by eyes dimmed with easy tears; nor can the call to constructive social work be heard above the thumping of a fluttery heart. Social reform of any and every kind must be thought out and carried through in the scientific spirit.—ARTHUR J. TODD.

CHILD LABOR AND THE CONSTITUTION

BY

RAYMOND G. FULLER

EXECUTIVE DIRECTOR, THE HELEN S. TROUNSTINE FOUNDATION
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AND PUBLICITY, NATIONAL CHILD LABOR COMMITTEE;
AUTHOR, "THE MEANING OF CHILD LABOR".

With an Introduction by

JOHN H. FINLEY

FORMERLY COMMISSIONER OF EDUCATION,
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TO MY WIFE
FLORENCE HOWARD FULLER

As adolescence slowly supervenes and boyhood is molted, the method of freedom and appeal to interest and spontaneity should be increased. Now the best things are springing up in the human soul. If there is any genius or talent, enthusiasm for work or for ideals, they begin now to be felt. If the race is ever to advance, it will not be by increasing the average longevity or directly by enriching the last stages of life, but by prolonging this period of development so that youth shall not die and its zest and enthusiasm grow pale.—G. STANLEY HALL.

INTRODUCTION

Here is a dispassionate yet sympathetic discussion of the child-labor question. It is the most intelligent and constructive that I have heard or read. And it is most timely, in view of the proposed constitutional amendment relating to child labor which will undoubtedly come up for consideration this winter.

Mr. Fuller's first contribution is in his definition of child *labor* and its distinction from child *work;* for he defines the former not in that which the child actually suffers physically from early labor, but in that of which he is deprived; and he defines child work as a major aim and method in child education. In these two definitions are to be found the law and gospel of this sound treatise.

Child labor in terms of deprivation is the labor of children that deprives them of a fair start in life (the "square deal" of which President Roosevelt used to speak) in terms of health, play, recreation, that deprives them of their rightful opportunities of living the life of childhood fully and happily in the only time of childhood and that deprives them also of proper preparation for adult life by putting adult burdens too early upon their shoulders.

But as to work, it is through wholesome, purposeful occupation and not merely through preventive measures that child-labor reform is to be achieved. I often recall the song which we sang in school when I was a child, every stanza of which urged us to work and ended with the threatening refrain that the night would come when we could work no more. But my memory of it is an agreeable one. We sang with zest of working not only 'mid "springing flowers" and while the "dew was sparkling" but even through the "sunny noon." It was a happy song not of child labor but of child work,—work that was not a deprivation but a means of happier living and higher hoping.

Prohibitive legislation is necessary, Federal as well as State; but the ultimate goal of child-labor reform can be reached only through positive and personal methods and means. The child must be kept out of harmful and depriving labor by the more inviting and compelling appeals of the school and the home. For child labor in the last analysis, is, as Mr. Fuller has so wisely insisted, a matter of individual cases. It is for this prime reason that I have urged Federal supplement of State provision to make better schools and keep the children in them. This will be the best sort of protection of the child against injurious labor. But as in the Ten Commandments the prohibitive ones come first, so it is necessary to prohibit against child labor until the positive influences can come into full and general sway, to keep the child in enjoyment of its rightful childhood heritage and in preparation for its more useful and noble manhood and womanhood.

JOHN H. FINLEY.

AUTHOR'S PREFACE

In 1922 several events helped to renew the challenge of child labor to the American public. Among these was the decision of the United States Supreme Court declaring unconstitutional the Federal child-labor tax law. Then came the initiation of a campaign looking toward the submission to the states of an amendment to the Constitution granting to Congress the power, concurrent with that of the states, to limit or prohibit the labor of children. At about the same time the Bureau of the Census published occupational statistics as of January 1, 1920, showing more than a million children ten to fifteen years of age gainfully employed in this country. In these happenings there is, perhaps, sufficient justification for the writing of this book, but a better reason lies in the need of a new understanding of child labor itself, and of problems on which the court decision of last year has only an incidental effect.

Child labor is not what it used to be, or rather it is not primarily what the term formerly signified. It is no longer a matter of cruel slavery of little children in mines and factories. But even to-day that is the picture that comes immediately to the mind of many a good citizen when we talk about child labor, and to him there is no child labor unless we can describe similar conditions. We can, but that is relatively a small part of it. Nine out of ten persons still think of child labor in terms of bygone conditions or of conditions that represent only a fraction of its total amount to-day. Nine out of ten think of it in terms of the spectacular—horrible conditions calling for drastic methods of reform. Such thought of it does not fit the present situation. The worst evils of forty, twenty, even ten years ago have been removed or vastly abated, and the method of prohibitory legislation has played an effective part in this accomplishment. Abuse of children through abuse of their labor power continues to exist, and atrociously bad conditions may be found in certain occupations, particularly in certain industrialized forms of agriculture, but the bulk of child labor in this country does not correspond with the old conceptions and its elimination is not likely to be achieved by dependence on the traditional methods of child-labor reform.

This is apparent when we think of child labor as any work of children which interferes with health and normal development (mental as well as physical health and development), which prevents or balks the legitimate expression of the child's natural instincts and desires, which deprives him of proper opportunity for play and for schooling, and of education not only through formal schooling and wholesome play but through suitable work. The number of children affected by child labor, thus understood, may be even greater than the census figures indicate, while it is quite possible that some of the children included in the census figures are not working under adverse conditions. Census figures are not based on the modern conception of child labor, and neither are prohibitory child-labor laws. This conception implies differences in child labor according to individual cases, but prohibitory laws do not make very much allowance for the differences in children and in occupations which determine the rightness or wrongness of going to work, or being at work, in a given instance. They measure inadequately, if at all, the things that really enter into this question; they deal with children *en masse*, and seem to assume that there is something wrong in working, and especially in working for pay. But neither chronological age, nor work, nor wages, is what makes child labor.

So strong is the hold of the traditional idea of child labor that sometimes such a definition as suggested above is completely misunderstood. Child labor is admitted to have the effects mentioned—interference with health, play, schooling. But the point is that child labor *is* child labor because of its interference in one way or another, and to a greater or less extent, with *any one* of these rights of children. Conceivably there may be no unfortunate health effects at all, only an interference with schooling, for instance. Conceivably, also, there may be no *effects*, but only *hazards*.

It is proposed that the employment of all children under sixteen years of age in any gainful occupation be forbidden by law. Public opinion may come to that, but the proposition stands on a somewhat different footing from the prohibition of the labor of children under fourteen in certain industrial occupations and of older children in occupations especially dangerous to health or morals. Most of our gainfully employed boys and girls, as the census reckons them, are engaged in agriculture; most of these are on the home farm; and most of the children in non-agricultural occupations are fourteen or older. Though protection should not be withheld from these American boys and girls, it is a debatable question if their wholesale exclusion from gainful occupations is desirable or necessary. The question is, What kind of protection? Wholesale exclusion, or a kind of protection that will deal adequately with individual cases?

The point of view taken in this book is that, while there is still a place in child-labor reform for the compulsions and prohibitions of school-attendance and child-labor laws, the biggest part of the task of protecting children from premature school-leaving and improper labor lies in the direction of better schools with stronger holding power of their own, a varied curriculum and a flexible grading system, educational and vocational guidance, vocational placement, and employment supervision. All of this implies thorough study and knowledge of the individual child, psychological as well as physical and physiological; the guidance, placement and supervision must be a health and educational enterprise not only in a protective way, but in a positive and constructive way.

In this volume there will be frequent reference to the substitutes for child labor, such as suitable play, suitable schooling, suitable work. But it ought to be remembered that the establishment of these substitutes in the lives of children is, in large measure, a matter of restoration. The Industrial Revolution did not create a new thing called child labor, but it did result in conditions depriving children of opportunity for work in suitable places and under suitable auspices, and in particular depriving work of much of its educational value. This is not a complete statement of the changes brought about by the Industrial Revolution and the growth of cities, but may serve to remind us that what we are doing in child-labor reform is largely to give back, under new conditions, opportunities which have been taken away from children.

The whole spirit and purpose of child-labor reform is service to children—and through this, service to society. Service is its keynote. It is a service which does not depend primarily on the fact that the child served is a child laborer. There is no child laborer merely as such. There is, instead, a child, deserving of love and service as a child, with ministration to his ordinary childhood needs, whatever they may be. What a child laborer needs is what a child needs, considered as a child. He needs health, play, schooling, and suitable work, just as every child does. Back of the child laborer is the child, the whole child, who is or should be our chief concern in child-labor reform. We should take as our standard of service in child-labor reform what society should do for all children, and not confine our attention to what child labor does to some children.

As a health movement, child-labor reform is a movement for mental as well as physical health, a movement for play and children's work as against child labor, a movement for health service to children at school and at work, a movement for laying the foundations of lifelong health by safeguarding and promoting the health and strength and power of resistance of boys and girls. The health effects of child labor are not more significant than the conditions that make for health in a positive way. Malnutrition is common among child laborers, but it is impossible to say in how many instances and to what extent in those instances it is due to the work or the working environment; in fact, it is unnecessary to know. The puny, under-nourished child in the factory or elsewhere is not getting what he needs. "Malnutrition," says H. S. Jennings, "is to be combated in the same way as the bacterial blights,—by all the measures required for bringing about free and full development of all the capabilities; that is, by relief from strain; by happy play; by activity in the open, and the like."

Social work in this country has passed through three stages of outlook and emphasis: in the first, remedial effort was prominent; in the second, prevention; finally came the dominance of the constructive point of view. It still has tasks answering to each description. So has child-labor reform. Prevention is still an important part of its necessary program. But more and more the emphasis is being placed on construction—the providing for all children of the things that child laborers, as children, ought to have in their never-returning days of childhood and preparation; and the providing of special health and educational services for the children who do leave school and go to work.

The author is grateful to the United States Children's Bureau and the National Child Labor Committee for many courtesies in connection with the writing of this book. Extensive use has been made of reports on child labor by each of these organizations. The author is also indebted to the *Review of Reviews*, *Good Housekeeping*, the *Weekly Review*, the *Survey* and the *American Child* for permission to incorporate in the present volume portions of articles which he has contributed to these periodicals; and to the Secretary of the National Conference of Social Work for permission to make similar use of papers read before sections of that body at Milwaukee in 1921 and Providence in 1922.

RAYMOND G. FULLER.

HELEN S. TROUNSTINE FOUNDATION
Cincinnati, Ohio
July 1, 1923

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CHILD LABOR AND THE CONSTITUTION

CHAPTER I

THE CHILDREN OF AMERICA

Nations, in the simple, deeply significant words of Charles Kingsley, are gathered out of nurseries. They are gathered out of the schools and the factories where children are; out of the places where children play, and out of the places in city or country of playless toil. America's children are the makers of America; and they are what America makes them, for good or for ill, as they grow up under beneficent conditions or under the conditions that constitute child labor. We must ask ourselves, What does child labor mean to the welfare of America? We must ask ourselves, too, What is the duty of America as an organized national community to the children who, as workers before their time, are denied the privileges and opportunities that properly go with childhood?

The present campaign to secure a child-labor amendment to the federal constitution progresses with the aid, and at the same time under the handicap, of numerous confusions and misconceptions in the minds of the American people. Those who believe that the adoption of such an amendment, and the passage of a child-labor law by virtue of authority conferred upon Congress by such an amendment, are the *sine quâ non* and final all of child-labor reform, are greatly mistaken. Those who believe that such an amendment and such a law will be of little value, or even of dubious propriety, are, in the opinion of this writer, also mistaken. They are mistaken who believe that child labor is practically over, and so are they who believe that child labor, in the old, traditional and stereotyped sense, is still prevalent.

The paradoxical statement may be made, if it be a paradox, that the amount of child labor in this country has been much diminished in the last twenty years, the last ten, possibly the last five, but that the task of abolition is now a bigger and more difficult task than it ever was before, and embraces a larger number of children. We have reached a new stage in child-labor reform, a stage which permits and demands a broader view of child labor itself and the application of a new and broader program for achieving its disappearance. Not that the elements of this new program are entirely new; but both the outlook and the program of child-labor reform must be fundamentally and extensively re-formed.

CENSUS STATISTICS AND CHILD LABOR

Statistically—that is, according to the federal census of occupations—child labor in the United States reached its high point in 1910. In 1880 there were 1,118,356 children from ten to fifteen years of age (16.8 per cent of all in that age group) engaged in the gainful occupations. In 1900 there were 1,750,178, or 18.2 per cent of the same age group. In 1910 there were 1,990,225, or 18.4 per cent. On the face of the census returns for 1920, child labor in America was cut almost in half in the decennial period beginning with 1910. The recently published figures for the number of children ten to fifteen years old engaged in gainful occupations indicate improvement, but valid conclusions can be drawn from these figures only after careful consideration of some important facts in addition to the figures.

Census statistics and the nature of child labor stand rather far apart. Child labor is the work that interferes with a full living of the life of childhood and with the best possible preparation for adulthood. It is a matter not only of effects, but of hazards; and not only of effects and hazards, but of deprivations among which are the lack of suitable and sufficient schooling, the lack of suitable and sufficient play, and the lack of that kind and amount of work which is *children's work* as distinguished from *child labor.* Obviously, the condition of child labor depends to a large extent on the individual case—the particular boy or girl on the one hand, the particular work on the other. And quite as obviously, it is not to be determined precisely by such easily applied criterions as chronological age or the census definition of "gainful employment."

Nevertheless, it is probably true that the majority of children under sixteen listed by the census as "gainfully employed" are subjected to hazards or deprivations that constitute child labor. It is also true that in a broad sense of the term there is much child labor not covered by the census figures. Neither ages nor wages are proper criterions of child labor. The economic value of a working child—his present, immediate earning power, small though it is—is what gets him into the census classification of gainful employment. His future value, either as earner or as citizen, is not considered. It is well to emphasize that the earning of wages does not of itself make a child a child laborer—other factors are the factors that count. There may be child labor without any wages at all, and wages without child labor.

In the census data "children spending more than half their time at school" are not classified as gainfully employed. It happens that thousands of children whose work outside school interferes seriously with their school attendance and school progress are excluded from the census returns. Many of these children, with their school work and outside work, have a working day of ten or twelve or fourteen hours. In agriculture children on the home farm are reckoned as gainfully employed only if their work constitutes a material addition to the labor income, but for an adequate picture of the extent to which farm work interferes with schooling we should have to look elsewhere than to the occupational census. In rural regions generally the farm work of children is one of the chief causes of the shorter school term, the more irregular attendance, and the greater retardation of pupils compared with urban communities.

UNDER-ENUMERATION OF WORKING CHILDREN

Children under ten are not included in the occupational returns. Hundreds of boys and girls below that age are suffering irreparable injury in one way or another from tenement homework, domestic service, and labor in the cotton and sugar-beet fields. The census-takers learn of few children engaged in tenement homework. The number of children in tenement homework nobody knows, because there is no way of finding out; but it is very large. Information given by parents to the census-takers leaves the number of children engaged in other occupations also underestimated—street trades, for example.

The seasonality of certain occupations affects the census returns. The census of 1920 was taken in January, when agricultural operations are practically at a standstill, the same being true also of canneries. The census of 1910 was taken in April, when there is much more activity in these occupations. But neither month gives adequate returns for seasonal work. A host of children who work in the beet fields, the onion fields, the melon fields, the cotton fields, the tobacco fields, the berry patches, the truck gardens, the fruit and vegetable canneries, do not appear in the census returns.

In an article in *The Survey,*[1] Miss Ellen N. Mathews of the Federal Children's Bureau discusses the figures for agriculture as follows:

> The belief that part of the decrease in agricultural workers may be explained by an over-enumeration in the 1910 census is supported by the fact that in 1910 an increase over 1900 of

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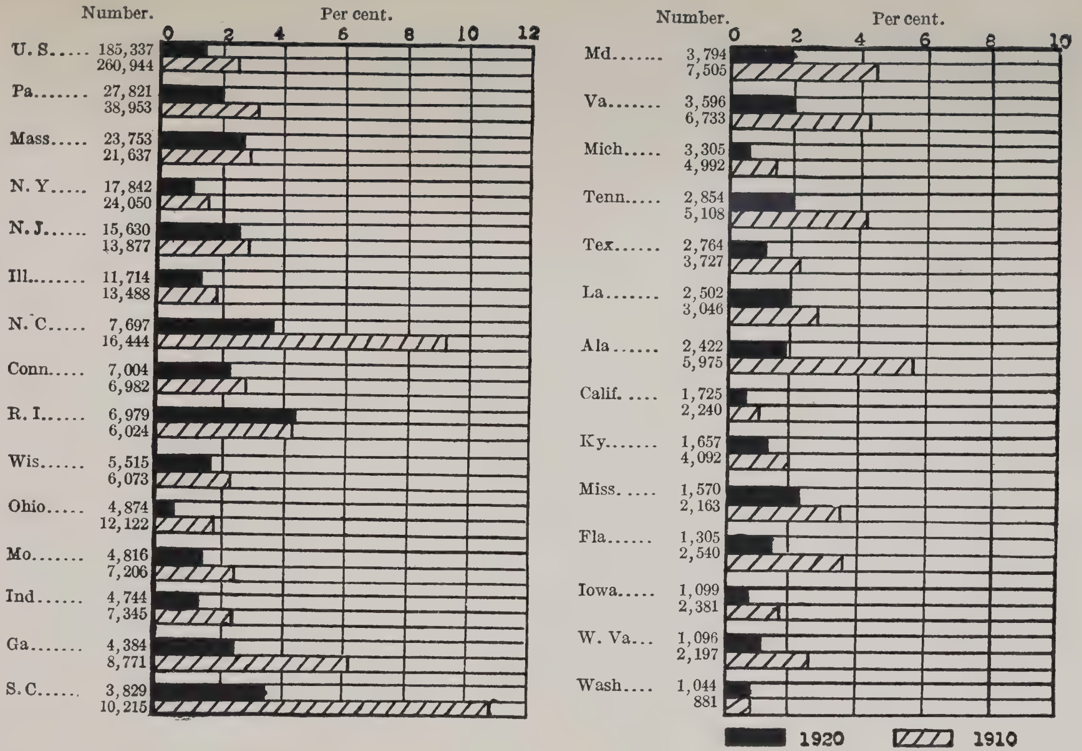
[1] Issue of September 15, 1922 (Vol. XLVIII, No. 16, p. 727).



Proportion of children between 14 and 16 years of age in the total number of persons engaged in manufacturing and mechanical pursuits in the 28 States employing the largest numbers of children in these industries, 1910 and 1920.—(From "Child Labor in the United States—Ten Questions Answered," U. S. Dept. of Labor, Children's Bureau.)

34.8 per cent in the number of children engaged in agricultural pursuits was reported, although no similar increase in the total number of agricultural workers occurred, and a marked decrease took place in the number of children engaged in non-agricultural pursuits. In 1910, much more emphasis was placed than in 1900 and in 1920 upon the instruction that enumerators return an occupation for every child gainfully employed. It is, therefore, believed possible by census officials that the apparent increase in children engaged in farm work in the decade 1900-10 is due mainly to the enumeration as gainful workers in 1910 of farm children who merely did chores or performed other light tasks not considered gainful occupations in 1900 or 1920. However, at each of the last three censuses, including that of 1910, enumerators were specifically instructed not to return as gainfully employed children working for their parents at chores, errands or household work. Furthermore, inquiries regarding child labor made by the Children's Bureau covering the agricultural seasons of 1920 and 1921 point to the possibility that the difference in the proportion of farm workers among children reported in the last three censuses, in so far as it is attributable to a change in instructions, is due not so much to an over-enumeration in 1910, as to an under-enumeration in 1900 and 1920. The Children's Bureau findings in the farming areas studied, which covered parts of New Jersey, Maryland, Virginia, Michigan, Colorado and Texas, would indicate that the proportion of children employed as farm laborers for the whole or part of the farm season is considerably greater than the proportion reported even by the 1910 census.

By far the greater part (84.5 per cent) of the decline in the number of children reported at work in all occupations is due to the large decrease (54.8 per cent) in the number reported as engaged in agricultural pursuits, so that the actual decrease both in agricultural child labor and in all occupations together was somewhat less than the apparent decrease. In the non-agricultural pursuits, the figures doubtless represent more accurately the real decrease in the number of employed children, due in part to the enactment and strengthening of legal regulations, both state and federal. Standards of enforcement were raised in the ten-year period, and greater provision made for administration. There was development of schooling facilities and strengthening of school-attendance laws and of machinery for their enforcement; courses of study were made more practical and more attractive, and in this way large numbers of children and their parents came to look upon schooling as preferable to employment during the years of childhood and adolescence. Sentiment grew against child labor, as did public appreciation of those positive needs and rights of children that are denied in child labor.

COMPARISON OF 1910 AND 1920 FIGURES

Despite the various limitations of census figures as a measure of the amount of child labor in this country, they are not without significance from the child-labor standpoint. It is worth while to compare the figures for 1920 with those for 1910. In 1910 the number of children ten to fifteen years old engaged in gainful occupations was, according to the census, 1,990,225. In 1920 the number was 1,060,858. The percentage of decrease was 46.7. In the same period the total population of these ages increased 15.5 per cent. The proportion of working children in this age group was 18.4 per cent in 1910 and 8.5 per cent in 1920. The number of working boys in 1910 was 1,353,139; of working girls, 637,086. The corresponding figures for 1920 are 714,248 and 346,610.

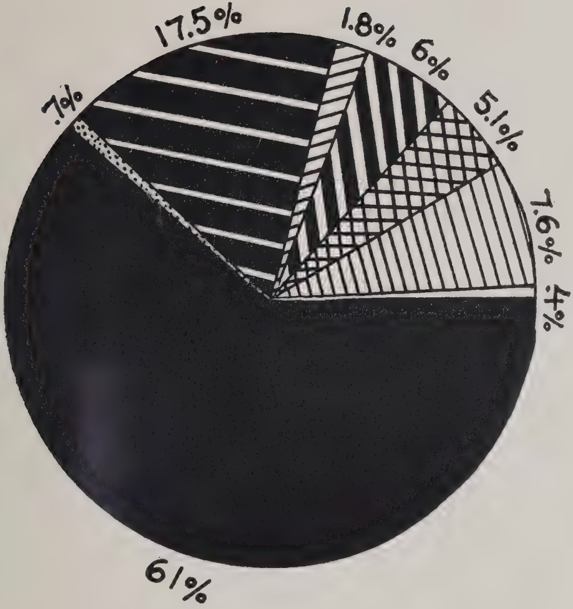
Most of the statistical decrease of working children from 1910 to 1920 was found in agriculture, animal husbandry and kindred occupations. In these occupations 1,432,580 boys and girls ten to fifteen years old were engaged in 1910; 647,309 in 1920. Largely, this decrease was due to the fact that the census of 1920 was taken in January instead of April. Child-labor laws, by the way, do not apply appreciably to the agricultural group of occupations. Agriculture is usually omitted from the language of the statutes or specifically exempted; or its inclusion under the general head of "all gainful occupations" is ignored. Only a few minor provisions in the statutes affect agricultural child labor and these are not enforced. In 1910 the juvenile farm workers constituted 72 per cent of the total number of working children; in 1920, 61 per cent. In 1910, more than a quarter of a million of them, or 259,813, were "working out" (i.e., not on the home farm); in 1920, 63,990.

Decreases in other groups of occupations must be noted. In 1910 the number of children ten to fifteen in manufacturing and mechanical industries was 281,947; in 1920 it was 185,337. Mining and quarrying industries, a decrease from 18,695 to 7,191. All other occupations (including stores, street trades, transportation, domestic service, etc.) a decrease from 255,003 to 221,021. The decrease in all pursuits outside of the agricultural group of occupations is from 557,645 in 1910 to 413,549 in 1920. Of special interest are the figures for children under fourteen. In 1910 the working children ten to thirteen years of age, inclusive, numbered 895,976. In 1920 the number was 378,063. Of these last 328,958 were in agriculture, and 49,015 in non-agricultural occupations. The number in non-agricultural occupations in 1910 was 95,839.

OCCUPATIONAL AND GEOGRAPHICAL DISTRIBUTION

In 1920, as at previous census periods, the largest number of children engaged in manufacturing pursuits were employed in the textile industries, almost half of them being in the cotton mills. For the textile industries the number of child workers was 77,967 in 1910 and 54,649 in 1920, representing a decrease of 29.9 per cent as compared with an increase of 75.9 per cent in the total number of textile workers. In the cotton mills the number of children employed was 21,875 in 1920 as compared with 40,572 in 1910; this represents a decrease of 46.1 per cent in the number of working children as compared with an increase of 101.9 per cent in the total number of cotton-mill operatives. Although figures are not yet available to show the numbers of minors employed in the textile industries by states, the fact that little if any decrease in the proportion of children in manufacturing occupations as a whole is reported for the principal cotton-textile states of the North indicates that the decreases in child labor in the cotton industry were principally in the Southern states, where considerable advance was made in child-labor and education laws and where the effect of the Federal laws was especially marked. The tardy progress in child-labor reform in the Southern manufacturing and mining industries is simply explained. First, the belatedness of industrial activity and development in that section of the country. Industrial development in the North long preceded, with an accompaniment of a large amount of child labor, which finally brought about legal regulations and restrictions relatively much higher than those now obtaining in most of the Southern States. The South is going through the same historic process, and a few states now have very excellent child-labor laws. It must be remembered, too, that poverty and near-poverty has been widespread in the South for generations, though economic and educational conditions are fast advancing the people to a higher general level of welfare. So far as factories are concerned, most of the Southern child workers are white, and so are a large proportion in other occupations. Negro children, however, are more commonly at work.

Child labor is confined to no one section of the country. According to the 1920 census, the proportion of the total child population ten to fifteen years of age, inclusive, "employed in gainful occupations" ranged from 3 per cent in the three Pacific Coast States to 17 per cent in the East South Central States, comprising Kentucky, Tennessee, Alabama, and Mississippi. In Mississippi more than one fourth of all the children ten to fifteen years of age were at work; in Alabama and in South Carolina, 24 per cent; in Georgia, 21 per cent; and in Arkansas, 19 per cent. Of the New England States, Rhode Island had the largest proportion of children from ten to fifteen years of age, 13 per cent, "employed in gainful occupations." Except in the South no other state has so large a percentage of employed children as this. When all occupations are taken into account the proportion of chil-



■	Agriculture, forestry, and animal husbandry	647,309
⁘	Extraction of minerals	7,191
▧	Manufacturing and mechanical industries	185,337
▨	Transportation	18,912
▧	Trade	63,368
▩	Domestic and personal service	54,006
▤	Clerical occupations	80,140
☐	Other	4,595

Proportion of children 10 to 15 years of age, inclusive, in each principal division of occupations, 1920.—(From "Child Labor in the United States—Ten Questions Answered," U. S. Dept. of Labor, Children's Bureau.)

dren at work is much larger in the South than in any other section of the country; but when non-agricultural occupations alone are considered the proportion is considerably larger for New England and for the Middle Atlantic States, and slightly larger for the East North Central States—Ohio, Indiana, Illinois, Michigan, Wisconsin—than for any one of the three southern geographic divisions. Among cities with 100,000 or more inhabitants the following have 10 per cent or more of their child population ten to fifteen years of age, inclusive, at work: Fall River (18 per cent); New Bedford (17 per cent); Reading (13 per cent); Atlanta, Providence and Paterson (12 per cent); Trenton (11 per cent); New Orleans, Milwaukee, and St. Louis (10 per cent).

The number and the occupational and geographical distribution of working children present a sorry enough picture, but a fact to be borne clearly and constantly in mind is the daily, monthly, yearly procession of children into the ranks of child labor and then out into youth and adulthood with all the effects and handicaps of child labor upon them and upon society. Child labor not only is, it continues. One million or two million child laborers now—that is bad enough. But, though the total number at a given time may be found to have decreased at another given time, each year increases the number who have passed into and through child labor. In this sense, child labor will increase until it is wholly stopped. It will keep adding to society new graduates of child labor, the cheated alumni of that school of lost opportunities and heavy fees.

INCREASE IN CHILD LABOR SINCE 1920

It must be borne in mind that the 1920 census was taken at the beginning of a period of widespread industrial depression, and that the federal child-labor tax law was in force in the time. The industrial depression has been succeeded by a period of increasing employment and the federal tax law has been declared unconstitutional. Were a census to be taken now it would probably show a notably larger number of employed children in non-agricultural occupations.

The increase in mining and manufacturing occupations due to the annulment of the federal tax law is problematical. When the earlier federal law (that of 1916) was declared unconstitutional in June, 1918, there was an immediate and large return of children to factories and mines under the lower state standards. In 392 factories visited by agents of the Children's Bureau shortly afterward 909 children under fourteen years of age were found at work, 3,189 under sixteen were found working more than eight hours a day and 149 were employed at night. In 270 canneries in Maryland and Virginia, 1,094 children under fourteen years of age, some of them only seven, were found at work. It was not expected that the return to employment in the summer of 1922 would be as rapid or large as that in 1918; the industrial depression was not over, state laws and enforcement had been somewhat improved, and for one reason or another (including a desire not to increase the demand for another federal law) employers showed a disposition to live up to the federal standards even after the annulment of the tax law. However, in twenty-four factories in Georgia forty children under fourteen years of age were found employed; three were working over nine hours but less than ten; 304, including all of the children under fourteen, were working ten hours or more a day, and two of these, under fourteen years of age, worked twelve hours on the night shift.

An agent of the National Child Labor Committee, last summer, visited ninety-nine North Carolina factories—sixty-four cotton mills, twenty-one hosiery mills, and the rest furniture, glove, underwear and miscellaneous factories. In these factories were employed 31,146 persons of whom 24 were children twelve to thirteen years of age (with vacation permits) and 1,212 boys and girls fourteen to fifteen years of age. In these same factories, in August, 1921, there were 1,096 children fourteen to fifteen working under federal permits. Of the ninety-one mills in which the children were found employed in the summer of 1922, 28 were operating 11 hours a day and 60 hours a week; 57, ten hours a day and 55 hours a week, and six, less than 10 hours. The factories visited in Georgia and North Carolina represent, of course, but a small fraction of the total number of establishments in these and other states where child labor may have increased more or less markedly in consequence of the annulment of the federal law.

In several states the feature of the federal law that operated most effectively to take children out of the factories and canneries was the eight-hour provision. Employers did not want to run a special eight-hour shift for children under sixteen, when the factory was running on a nine-, ten-, or eleven-hour schedule. There is evidence that the hours of labor for children have increased in those states where the local laws permit it. As early as last August it was reported that twelve plants in Delaware had increased the hours of labor for children from eight to ten a day, but the legislature of 1923 established an eight-hour standard. Children in considerable numbers are known to be working ten hours a day in the factories and mills of at least five states. In North Carolina some of them work eleven.

It is learned that local authorities are finding it more difficult to enforce the state laws now that the federal law has ceased to be operative. Possibly the most important effect thus far of the Supreme Court's decision has been to stimulate a movement of certain industries toward states which have lax child-labor laws. Some of the cotton manufacturers of New England are planning the extension of their facilities for production by additions in the South on the expressed ground that they can take advantage of child labor there for at least ten years.

The most recent information about the increase of child employment since the 1920 census is contained in an article prepared by the Industrial Division, U. S. Children's Bureau, and published in the *Monthly Labor Review* for

September, 1923. This is based on the number of work certificates issued in widely scattered cities during certain periods to children fourteen and fifteen years of age. Certification figures have only indicative value, since they show the number of children presumably intending to go to work, and not the number actually at work legally or illegally. Moreover, statutory provisions regarding certification, as well as their enforcement, vary; and an increase in the number of certificates issued sometimes means better laws or better enforcement. Again, a good certification system, well administered, spells real, if not always adequate, child protection. With these facts borne in mind, it appears that of 31 cities furnishing statistics on the number of certificates issued in 1920 and 1921, only four reported an increase in 1921. In 1922, however, of 35 cities 21 reported increases over 1921 and only 14, decreases. Five of the 21 showed an increase of over 100 per cent. Of the 30 cities supplying data for the first half of 1923 and the corresponding period in 1922, all but two reported increases. Striking percentages of increase are: 674.3; 420.0; 351.9; 309.5; 214.7; 177.5; 155.2; 126.7; 98.2. The percentages of decrease in the two cities are 31.7 and 5.1. Special permits issued only for vacation employment are not included in the above statistics.

These figures are not conclusive with regard to the whole country and all occupations, but they do afford a pretty reliable indication of a marked tendency toward increased employment of children in industrial and urban occupations, now that "business as usual" is coming back and the child-labor restrictions of the federal government have been removed. Miss Grace Abbott, chief of the Children's Bureau, says: "The new cycle in child labor is beginning."

GAINS AND LOSSES BY LEGISLATION

When, in May of last year, the United States Supreme Court declared unconstitutional the federal child-labor tax law of 1919, the legislation passed by the states remained.

This legislation as a whole afforded protection to a far larger number of children than had been covered by the age, hour and night-work provisions and occupational scope of the federal statute. If it had been the state instead of the federal legislation that had been annulled, the federal act remaining in force, legislative protection would have been less, *in toto,* than it was, or is now, in consequence of what actually happened. To a large extent the two classes of legislation—state and federal—overlapped in their provisions; each, however, covered ground not covered by the other, the situation varying with different states. In some states the annulment of the federal law had no effect whatever on statutory protection; in others, the contrary was true.

There are many and cogent reasons for re-establishing by federal legislation the protection that has been withdrawn from American boys and girls by the decision of the Supreme Court; but for purposes of present discussion, let us disregard all arguments for federal as distinguished from state legislation, and as supplementary to it, and all considerations as to the comparative spheres of federal and state action. Let us suppose merely that the protective standards embodied in the invalid federal law comprised the whole of existing legislative protection whether federal or state—just so much and no more, to-day. Those standards follow: No employment of children under sixteen in mines or quarries; no employment of children under fourteen in factories, mills, workshops or canneries; no employment of children between fourteen and sixteen for more than eight hours a day, more than six days a week, or at night, in the occupations prohibited to children under fourteen.[2]

That accomplishment would represent, in a general way, the successful outcome of a reform program based on conceptions of child labor and of methodology which were almost universal fifteen or twenty years ago, which are still held by a surprisingly large number of people, but which are utterly inadequate for the present situation and the future task. It accords with the widespread idea that child labor is principally a matter of employment in mines and factories, that for the most part it has to do with children under fourteen, and that child-labor reform is mainly a matter of prohibitory legislation. All of these ideas are erroneous, and together they constitute a serious handicap to the orderly progress of child-labor reform.

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[2] It should be noted that neither of the federal laws required any physical or educational qualifications for going to work. There were only age, hour and nightwork provisions for certain groups of occupations.

IMPORTANCE OF TRUTHFUL PUBLICITY

No little damage to the progress of this movement has been done by some of its own propagandists, emotionally careless of facts. The writer does not believe that there can be too much heart in any task that concerns the welfare of the child, but he does assert that the attempt to sensationalize the present child-labor situation in terms of past conditions, or the whole situation in terms of a part, is decidedly unfortunate. Statements and implications that affront the intelligence of the average citizen, the very man who must be waked from quiescence and acquiescence, and roused to renewed effort against this evil, tend to bring the whole propaganda into disrepute. The first and most important function of child-labor reform is to *in*form—to enlighten, not to exaggerate. But we use that word "exaggerate" with qualifications. Child labor, its evil and its menace, cannot be exaggerated. What can be exaggerated is the extent of child labor in its older and more hideous forms and aspects.

Some months ago a widely distributed piece of propagandist literature described with great pathos the plight of ragged, anemic factory children—of whom there are still many, though their raggedness or anemia is not always due to their work—and then proceeded (on the basis of the census figures for 1910) to ask our pity for the two million child laborers in America, as if they were all alike. In another instance, this one following the court decision declaring the federal law unconstitutional, with ancient photographs for illustrations, it was set forth that three states fell below the fourteen-year age standard for employment in factories, and eighteen states below the sixteen-year age standard for mines. This was correct enough, but the impression conveyed by text and pictures was false. The three states falling below the factory age standard of the federal law are not industrial states, as the census of manufactures would reckon them; while one has a fourteen-year age minimum for girls and a twelve-year age minimum for boys.[3] All but two of the principal mining states have a sixteen-year age minimum for employment in mines. One of these two has a fifteen-year limit and the other a fourteen-year limit. There is poor enforcement of child-labor laws in many states, but the conditions of twenty years ago, in either extent or severity, do not exist today in factories or mines, though present conditions are truly tragical as measured against the needs and rights of children. Recently, in a manuscript by a noted publicist, was found a stirring challenge to the American people forthwith to stop the awful slavery of two million boys and girls under twelve years of age in the cotton mills of the South! Such instances of emotionalism riding rough-shod over the facts are at once a foolish negation of the splendid accomplishment of child-labor reform in the last two decades and a hindrance to that light of truth that shall make the children free at last.

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[3] It is important also to qualify the statement that forty-five states prohibit factory work for children under fourteen, as the laws of twenty-three of these states are weakened by various exceptions and exemptions under which children below the age of fourteen may be employed. Statements about laws are by no means the same as statements about the extent of child labor. Generalizations about laws are subject to error by reason of the fact that no two of them are alike in every particular. ''Our state laws,'' remarks Miss Grace Abbott, chief of the U. S. Children's Bureau, ''are so different that they fit together like the pieces of a crazy quilt.''

A United States senator, last February, asserted that child labor in this country had increased 25 or 30 per cent since the annulment of the federal law. This was only an estimate; but apart from its accuracy as an estimate, it had reference only to child labor in the mining and manufacturing groups of occupations. The federal law, on going into operation in 1919, affected by its age, hour and night-work provisions approximately 250,000 boys and girls; the number taken out of employment was very much smaller. It applied only to occupations in which, according to the census figures of 1910, about fifteen per cent of the then employed children under sixteen were engaged. In 1920, when the federal law was in force, and there were child-labor laws on the statute books of all forty-eight states, the census showed more than a million boys and girls in the so-called gainful occupations. We shall have something to say presently about the inadequacy of census figures as a measure of the amount of child labor, but they serve to indicate at least two things: first, that child labor in mines and factories is only a fraction of child labor in the country at large; and second, that in spite of laws, state and federal, child labor persists.

FRAGMENTS OF HISTORY

It would be desirable, if there were space, to say something more than a word or two about the decline of apprenticeship, with its protective and educational features. These aspects of worth are generally absent from the child labor represented by the census figures. The decline of apprenticeship in the machine era is explained partly by the fact that the development of machinery and the increasing specialization of labor have diminished the proportion of skilled workers and the need of the all-round knowledge formerly required in the mastery of a trade. The individual manufacturer seldom looks upon apprenticeship with favor, and the workmen already in the shop are not more favorably disposed. The modern substitute for apprenticeship is industrial education in the schools and in the very limited number of part-time cooperative schools. It may even be said to include the whole of vocational education. Vocational education has come to mean, at its best, not only specialized training, but broad preparation for labor and living in society. Apprenticeship, at certain periods and places in the past, has been known to approach a similar breadth of aim.

Many writers treat child labor as if it were entirely a product of the Industrial Revolution. It is quite true that the Industrial Revolution brought about a new demand for the labor of boys and girls and new conditions of employment. But there was child labor in England and elsewhere long before that event. Prior to the Industrial Revolution, English children were employed in large numbers in agricultural and domestic pursuits and in practically all trades and handicrafts, and we cannot suppose that there were no abuses of their labor power. However, as one writer says:

> While in medieval times young children were probably employed in large numbers for as long hours, and at as arduous tasks, as under the factory system of the early nineteenth century, their working conditions were in general better because of the regulations of the apprenticeship system under which many of them were employed. The apprenticeship system, established by the craftsmen of the thirteenth century and made compulsory by the medieval trade guilds and later by national law, imposed the earliest regulations on child labor. This system when adequately enforced insured to the child indentured as apprentice a sound technical training for a skilled trade; further protection against exploitation as cheap labor by restriction of the numbers of apprentices who could be employed and also in some trades by the prohibition of the employment of children under specified ages or without specified educational qualifications; good working and living conditions during the period of training.[4]

It is not to be supposed, however, that the protection afforded children through the apprenticeship system of that time was primarily humanitarian in purpose. It was a part of the general industrial system, and designed for the protection and development of particular industries and particular groups of workers in those industries. Child labor as an evil was not then recognized. That recognition came later, when apprenticeship, with its many good features, particularly its insurance of industrial training and good working conditions, had declined into something else which still bore its name. It was through investigations of the abuses associated with "pauper apprenticeship," by which, under the English Poor Law, children were bound out to servitude in mills, that child labor as an evil attracted public notice. We may mention here the fact that apprenticeship in colonial America was frequently but a method of binding out children for their services, with scant and often no regard to their education, industrial or other, or to their living and working conditions.

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[4] *Child Labor,* Separate No. 4 of *Child Care and Child Welfare,* U. S. Children's Bureau Publication No. 93.

Child labor has always existed in one form or another, but the child labor that brought about the reform movement originated historically as an effect of the social and economic changes in the England of the later eighteenth and early nineteenth centuries. There was no provision for technical training, no regulation of conditions of work; there was instead subjection to fatiguing and uneducative repetitive machine processes, to fearfully unsanitary living and working conditions, and to brutal taskmasters. Contemporaneously, however, there existed—as at Aldeburgh, among a population of working fishermen, owning their own boats—comparable conditions wholly untouched by the rise of machine industry.

America's development as an industrial nation has been prodigious since the Civil War, and it was about 1870 that child labor in American factories and mines, numerous and varied then beyond comparison with previous periods, began to assume the proportions which, in three decades more, led to the nationally organized movement for child-labor reform. It is noteworthy that conditions did not reach a point where they were fully recognized as constituting a great social evil until a hundred years and more after the revolt in England. In America the Industrial Revolution was slower in its effects, the industrial and economic transformation of national life was not so sudden, a largely rural economy was longer maintained. Protests against industrial child labor had been made prior to 1870 and a few mildly restrictive laws had been passed. But it took a larger volume of child labor, with plainly visible effects on the health of great masses of children, to bring about a real revolt. The factories and mines, which figured most prominently in the agitation of the nineteenth century, were woefully deficient in matters of sanitation, as many of them still are, though great progress has been made in this direction. Long hours were the rule for all workers.

A steadily increasing concern over popular education has been, from first to last, a considerable factor in the history of reform sentiment. Of no little interest is the fact that the first recorded stirring against child labor bore reference not to its effects on the health of the growing child but to its denial of educational opportunity. In 1818 the Governor of Rhode Island, referring to factory children, said in a message to the legislature: "It is a lamentable truth that too many of the living generation, who are obliged to labor in these works of almost unceasing application and industry, are growing up without an opportunity of obtaining that education which is necessary for their personal welfare as well as for the welfare of the whole community." Even before that date, the legislature of Connecticut, in 1813, had passed a law providing for the education of working children by the proprietors of manufacturing establishments in which children were employed.

Child-labor legislation began in this country in 1836, with a Massacshusetts law which provided that no child under fifteen should be employed in any manufacturing establishment unless he had attended school for at least three months of the preceding year. This is commonly regarded as a school law, rather than a child-labor law, but really it was both, and forecasted the educational requirement contained in a modern child-labor law. It is only within a very few years—less than ten—that all the states had written upon their statute books a compulsory school-attendance law and all had enacted some form of child-labor law. Even now, with regard both to education and to child labor, the states—many of them—are slow to see their duty to the children of America and do it.

VARIED INTERPRETATIONS OF CHILD LABOR

Child labor is abhorrent to most of the American people. A good deal has been said about it, chiefly in condemnation. A good deal has been done about it, chiefly through legislation. But facts and figures and distressing tales can be adduced to show that this horrid thing, so impossible to reconcile with humane feelings and democratic ideas, still flourishes. The explanation of existing conditions is not to be found wholly in the inadequacies of laws, or in poor enforcement, for these things themselves need explanation. Only a partial explanation is the rather pathetic faith in the curative value of legislative surgery, for child-labor laws are necessary. What then?

Every reader of these words agrees to the proposition that child labor must go (if it has not already gone), but probably no two readers have read into the term "child labor" exactly the same meaning, with the same accompaniment of mental pictures. Nobody believes in child labor, at least not by that name, but the interpretation varies. This fact is reflected in the laws and in public discussion, but is insufficiently recognized. Ask a dozen persons, "What is child labor?" and you will get a dozen answers, some of them in a rather startled and hesitant manner as if—"Why, child labor is child labor." Some will be couched in terms of occupations, some in terms of ages, some in terms of the rights of childhood regardless of occupations and ages. But some will be vague and all will vary. Child labor means many things to many minds. We shall frequently revert to this point in the following pages.

Child labor, in spite of all that has been done about it, persists. Some of the old child labor remains; the new child labor is new chiefly in the sense that the time has now come for giving it a recognition and attention which it has not received hitherto. It is natural that child-labor reform should have devoted itself first to first tasks—to the liberation of children from premature and excessive labor in its most obvious and spectacular shapes. Today, it might almost be said that while child-labor reform has caught up with public opinion, public opinion has not caught up with child labor and the remaining tasks of reform. Legislation, certainly, has not exhausted the meaning of premature and excessive labor.

Most of it has dealt with children under the age of fourteen in a few groups of occupations, so far as exclusion is concerned; but most of child labor, even under the conception suggested by the age and occupation statistics of the federal census, lies outside, as it always has lain outside, those limits. Agriculture and domestic service have not been touched at all; tenement homework quite ineffectively, and street trades very inadequately. As for raising the age standard for ordinary gainful occupations, many people have a strong reluctance to do this, some selfishly, some in fear of real injustice to child and family. The reluctance of the latter is not without a good deal of reasonableness, though it can largely be overcome by their own participation in a program of reform that will include other things to do besides legislate prohibitively.

SCOPE OF THE REFORM PROGRAM

There is no such thing as a child-labor problem pure and simple. The child-labor problem is a part of the general problem of child welfare, which in turn is part of the general problem of human welfare. It cannot be understood or solved by itself. What is child labor? Essentially, it is the labor of children that deprives them of a fair start in life, in terms of health, play, education—and suitable work under home and school auspices or supervision, for there is a vast difference between *child labor* and *children's work.* Equally, child labor is the labor of children that deprives them of their rightful opportunities of living the life of childhood, fully, happily, in the only time of childhood. So we can say that taking children away from certain kinds of labor is at best only a partial solution of the problem, and that bringing to children the life they ought to have is at least a partial solution in itself. Not an unoccupied but a well occupied childhood is the aim of child-labor reform; it is also a method, the method of overcoming evil with good.

What are the causes of child labor? The chief causes are poverty (with near-poverty) and dissatisfaction with school. From a quarter to a half of our working children had to leave school and go to work for economic reasons. More than half left school because somehow or other they did not like school—it did not hold their interest and loyalty.[5] So in the solution of the child-labor problem we must take into account the reasons why boys and girls abandon school, for premature school-leaving is the same thing, practically, as premature going-to-work. We must have schools that appeal both to children and to parents as thoroughly worth while. No doubt, also, we must continue the policy of compulsory attendance, and render that policy more effective; but instead of allowing poverty to serve as a loophole in our compulsory-attendance and child-labor laws we must see to it, by means of properly administered poor relief, that no child is deprived of his right to education and playtime because of the poverty of his parents.

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[5] As will be shown in later chapters the causes of child labor are often numerous and mixed in a given case. There may be several causes operating together. A child of poor parents might stay in school if he liked it, though his leaving might appear to be due to the economic factor either chiefly or solely.

These considerations indicate the big remaining tasks of child-labor reform—tasks having to do with children in occupations not covered by the federal law now rendered inoperative; tasks having to do with the causes and prevention of child labor; tasks having to do with putting in the place of child labor the substitutes for child labor, particularly suitable schooling, suitable play, and suitable work; tasks having as their object not merely the keeping of children out of employment but of preparing them for and, when the time comes, guiding them into the working life which most of the school population, sooner or later, is destined to enter. These are not tasks solely of legislation, though legislation can be enlisted in the service of them all. Most of our school legislation, most of our health legislation, and most of our poor-relief legislation will doubtless continue to be done by the states, rather than by the federal government. These forms of legislation supplement—and indeed to a certain extent constitute—child-labor legislation. There is obviously much to be done, also, by community organizations and organized communities.

SPIRIT OF CHILD-LABOR REFORM

Too often child-labor reform is conceived, both by its active protagonists and by the public at large, as a fight against employers, rather than a fight against *conditions* that cause and constitute child labor. In general, it may be said, employers take advantage of the child-labor supply, rather than create it, though it must also be borne in mind that a great many of them do oppose any interference with that supply. There is a strong disposition in the industrial states to make use of the labor of children at as early an age as it can be obtained. That tendency or disposition is perhaps inherent in an economic system that puts a premium on profits, especially on immediate profits. It is manifestly unsafe to leave children to the tender mercies of money-making business of any kind that permits their profitable or convenient use, and restrictions on employers are necessary; but it should be part of the strategy of child-labor reform to assume, on every possible occasion, the good intentions and humanitarian spirit of the employing group and to enlist its cooperation in the effort to serve childhood, studiously avoiding all unnecessary antagonisms and hostilities. Of course, there are times when battle is the only recourse, but attempts at conference and co-operation should never lie neglected. There are honest and justifiable differences of opinion about child labor, in its less gross and flagrant aspects; and it is well for reformers and employers to work together as much as possible. The bias of economic self-interest on the part of employers is to be regretted and combated; but sometimes, on the other hand, the reform enthusiasm results in extreme statements and excessive demands that need to be tempered. There are dangers of dogmatism on both sides, the more so when the discussion is conducted on the basis of controversy and recrimination.

If it is unsafe to leave children to the mercies of business for profit, so it is to leave their protection even to so great and beneficent a force in the life of mankind as parental love. But here, again, we must take care not to conceive of child-labor reform as chiefly a fight against people rather than conditions. Much of child labor is due to the ignorance or the economic weakness of parents, faults for which they not wholly are to be blamed. For failure to protect their children from child labor, parents are frequently more to be pitied than censured. In many cases, it is true, there is real exploitation of children by their parents, the object being to make money out of the young workers; but in other cases, there is real economic need for which the best welfare of the children is unwillingly sacrificed. The vast majority of our child laborers are simply children who have left school and gone to work too early, or have entered on their working lives unprepared and unguided. The right spirit of child-labor reform is *to help people,* particularly parents and children.

CO-OPERATION OF SOCIAL INSTITUTIONS

The duty of community and state is to help the home to function efficiently in the interests of child and society. The responsibility for child labor rests primarily on the home. This is but a negative way of saying that the home is the social agency primarily responsible for the education, protection and welfare of the child. Parents must be educated to this responsibility; poverty must be relieved and so far as possible prevented and abolished. Child labor is one cause of the ignorance and poverty that results in child labor. Child labor, through ignorance and poverty, tends to reproduce itself in each successive generation. We must educate parents and relieve their poverty, but above all we must see that the children, regardless of parental ignorance and poverty, get a fair start in life; that will tend to bring it about that the homes which they themselves establish will be competent homes. We must limit parental freedom as well as employers' freedom, but the main thing is to aid and strengthen the home—for the children's sake. The virtue of laws in child-labor reform is to make legal prohibitions and compulsions less and less necessary, through having promoted the intelligence of the makers of homes and the economic stability of the home itself.

The home, even as an institution able and willing to do its part in the protection and education of children, must still be aided by community and state with supplementary activities and services in behalf of the child. The home by itself cannot sufficiently safeguard and promote the child's interests as present child and future adult. In cities public playgrounds must be provided. In the schools educational and vocational guidance must be established. There are scores of things that must be done by parents as citizens in order that citizens as parents may fulfil their obligations to the workers of tomorrow—the workers, the parents, the citizens of tomorrow. Vocational welfare is the object sought by child-labor reform, and the greatest vocation is life, with its rights to be enjoyed and its duties to be performed.

The larger proportion of American child laborers left school and went to work simply because they wanted to leave school or wanted to go to work. They left without parental compulsion or objection. They did not enter upon their working careers with any consciousness of exploitation or abuse. Many of them, it is true, left school dissatisfied, even with a sense of failure, and looked to their work with high hopes and expectations. The questing enthusiasm of youth which the school may have repressed was revived, only to be lost again. All this points to the need, in childhood and youth, of continuous, sympathetic and helpful guidance and counsel, not narrowly vocational, but broad as the interests and problems of boys and girls. No longer are parents able to perform this function with completeness, but never should parental participation and responsibility be entirely taken away or surrendered.

The agencies responsibly concerned in child labor and its abolition may be arranged in an ascending scale, as follows: first, the home; then the school, the community, the state, and the nation. What the home leaves undone or cannot do, the school, the community, and the state must do or help the home to do. The community, the state and the nation must help the schools. The state must help the local community, and the nation must help the state. If a number of states persist in neglect of working children in occupations and below ages that make the lack of protection an affront to national decency and national self-respect the nation must repair the deficiency by restrictive legislation of its own—*for* its own. But no less is it the duty of the nation to promote, by subsidies or otherwise, those educational and health services to children, and those facilities of vocational guidance, which are so important both in doing away with child labor and in preparing boys and girls for a working life. This is true even though the administration of these facilities and services may properly fall within the province of state and community.

LIMITS OF LEGISLATION

Child-labor reform is dependent not upon legislation, but upon public opinion. The enactment and enforcement of laws depend upon the ideas of people concerning child labor and their attitude toward it. The function of the laws is to make the will of the people effective, and to restrain the minority from violation not of those laws but of that will. Thus they serve to consolidate and preserve the gains of child-labor reform, but they are not child-labor reform itself. The reform goes before, in public opinion and in the minds and hearts of men. It goes after, also, for it goes farther and deeper than any laws that we can pass. There is child labor that no laws can ever reach, its eradication depending on a new or universal appreciation of the needs and rights of childhood. It can be reached only by knowledge and love of children, manifested in parental relations and in right consideration of the children of one's neighbor. Laws are not to be framed that will express, with complete nicety, the obligations imposed by knowledge and love of children, or protect these children entirely from neglect and exploitation. Laws represent the grosser part of the accomplishment and program of child-labor reform.

The distinctions between child labor and suitable children's work are difficult enough to state theoretically, let alone trying to put them into legal provisions; they vary, too, with individual cases, according to the particular child and the particular activity. To a large extent they must be applied directly by those immediately concerned, however far law and administration may progress in such flexibility as will make allowance for individual cases. We certainly do not want laws going to the extreme of imposing minute compulsions and restrictions on parental care of children; some of the responsibility and supervision must rest with parents, even where work activities are concerned. It is not supposed that such unwise and impracticable laws are contemplated, but we wish to emphasize the fact that laws cannot and ought not to be depended upon for the entire task of child-labor reform. The entire task will not be done when all possible and desirable laws are passed and well enforced. The laws must stop somewhere, and whereever that is there will be child labor beyond. Child-labor reform begins and ends in the home.

Work can be, and often is, a good thing for children. Little girls helping their mothers with the housework, learning to do simple sewing and cooking; boys raking leaves in the dooryard, and working in the garden; boys and girls assisting with the farm chores and even in the hayfield—these and many other kinds of home occupation are a delight to behold. They are often a source of great pleasure to the children themselves. They frequently possess educational value. They are a means of initiation into the proper discipline of work. There is, however, a dividing line between these ordinary, not too numerous, not too heavy tasks, and the tasks that represent an abuse of the labor power of children; but it is not a clear, sharp dividing line. Work away from home is not necessarily child labor. Work for wages is not necessarily child labor. Under certain circumstances work away from home for wages may be a good thing for children. The dividing line here is not clearly marked. It is sometimes said that a good compulsory schooling law is the best child-labor law; it does take account of the child's right to schooling, but not of his right to play and recreation. It does not safeguard his right to come to school in the fit condition which too much outside work would preclude. A child attending school has a job requiring, if he is to do that job full justice, plenty of rest and recreation and the conservation of his strength and energy. Yet work, suitable work, is one of the rights of childhood. Work at the wrong time, in the wrong place, in excessive amount, of too severe nature and duration, all other things considered and not the work alone, is an infringement of the rights of childhood, and as such is a degradation of work. The aim of child-labor reform, true child-labor reform, is to protect children not against work but against the degradation of work; and the problem thus presented is altogether too complex and delicate to be solved finally and fully through legislation.

One may name many causes of child labor—maladjustment in school, which affects the bright as well as the dull; poverty and near-poverty, which are not the main cause; greed and selfishness of employers, who take advantage of the child-labor supply but do not create it; ignorance and short-sightedness of parents, who seldom wish their children any harm—but on careful study it will be found that the root causes are of a still more general character. Some of them are found in philosophies of life, philosophies built upon habit. Materialistic, practical philosophies are not good soil for the spirit of child-labor reform. They often are accompanied by false conceptions of the place of work in human life, to say nothing of its place in the lives of children.

There are many people, particularly business men and farmers, who, because of limited upbringing and experience, or because they have fallen into ruts of habit, seemingly fail to realize that there is anything in the world, or in life, but work. They seek and find too few pleasures and recreations, whether in the home or in the community; for books, music, pictures, motion pictures, social stimulations and relaxations, they have no time or make none. They are slaves to work, and in self-justification they exaggerate its virtue as well as its necessity. But family life cannot be truly lived without something of leisure, something of play, something of shared esthetic enjoyment; it cannot be truly lived in an atmosphere of slavish devotion to work—work and sleep. The same is true of community life. The individual is more, by the grace of God, than a working machine; and he cannot be fully efficient as an individual, or as a participant in family and community life, unless he does more than toil. Man shall not live by toil alone. If he essays it he does not live, and he takes from work its dignity and glory and makes it a sordid thing. There is then only a degradation of work. The compulsions behind this degradation of work are not so often due to economic necessity as to ignorance and habit—to an undeveloped or distorted sense of values. We do not wish to appear unappreciative of the hard compulsions of the poor, but this work neurosis finds its victims in every economic class. And it is not to be cured by legislation.

CHILDREN SERVE WHO ONLY WAIT

Work has its rightful place in human life. Its rightful place in adult life is a very different thing from its rightful place in child life. Economic production and family support are not the business of children. Their business is to be boys and girls, and to be educated vocationally. The greatest vocation of all is life, and the ultimate employer is society. The business of men and women is to be men and women, good parents and good citizens as well as good workers; and this implies a childhood of preparation, unhampered by the peculiar burdens of adulthood. In this preparation there must be training for the right use of leisure, for in this age of machines leisure is increasing and is increasingly demanded. Its need for the millions of machine-tenders in this country—not all the human working machines are tenders of machines, or vice versa—has been strikingly presented in a book by Arthur Pound called "The Iron Man in Industry." "To lengthen the childhood of the individual," says Stuart P. Sherman, "at the same time bringing to bear upon it the influences of tradition, is the obvious way to shorten the childhood of races, nations, classes, and so to quicken the general processes of civilization." Child-labor and compulsory schooling laws can contribute toward this end, but the time of that lengthened childhood must be filled with many things that laws of no description can provide, but only love and knowledge of children and the spirit of humanism. Not even good schools are wholly the result of well-framed laws and large appropriations.

Dr. John H. Finley, in a recent book on child welfare, speaks of ''eternal debt of maturity to childhood and youth.'' Whatever we who have grown up have received in our childhood from our fathers and mothers, that and much more we owe to the generation that comes after—a debt of service. That which the most enlightened parent wishes for his own children, he and every citizen should wish for all the children of the nation. There is a debt which we owe to America, and a debt that America owes to the boys and girls who will make—and be—the America of tomorrow.

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CHAPTER II

RURAL CHILD LABOR

Our fondness for category and formula in matters of social reform appears strikingly in connection with child labor, and makes it difficult to get together on a basis of common understanding and with a common program.

The category of child labor tends to become either too broad or too narrow. Some of us are so sure of the badness of child labor that we call bad nearly every activity that takes the aspect of work; and some of the rest of us are so sure that work is a good thing for children that we leave out of the category of child labor much that belongs there. We adhere rather strictly to the formula of legislative prohibition; or, knowing the limitations of legislative prohibition as a solution of the child-labor problem, and the injustices that apparently result in particular cases, propose to dispense with it altogether.

CHILD LABOR ACCORDING TO LAW

There are people who seem to believe that to pass a child-labor law is to do away with child labor, and others who seem to believe that if they do not violate the child-labor law of the state where they happen to live, they do not commit child labor.

It is significant that the child-labor laws on the statute books of our 48 states are infinitely varied in their provisions as to ages, occupations, and other matters, and that enforcement, which is quite as dependent on public opinion as statutory proscriptions, varies with different states and with different proscriptions in different states. For eighty or ninety years the American people have been translating their ideas of what is and what is not child labor into laws and law enforcement, until now it is perfectly evident that the only real public opinion about child labor is about child labor in general. Laws and law enforcement show that, whatever else they may show.

The difficulty is that child labor is not child labor in general. It takes particular forms. Owen R. Lovejoy, secretary of the National Child Labor Committee, recently said: "We have always found a multitude of people who emphatically opposed child labor in the abstract. People in the textile centers were sorry for the slate pickers in the coal breakers. People in the coal region were sorry for the child laborers of the tenements, and the city dwellers were sorry for the little textile workers in New England and the South. In fact, when the evil could be regarded as a great, national evil either without definite form or at least in forms not familiar to the local community, there was plenty of moral conviction against it."

Edward T. Devine, another social worker of prominence, remarks, "There are no longer advocates of child labor"—if indeed there ever were, in the sense of conscious approval of wrong-doing to children. The exploitation itself is seldom conscious. It is disguised to the exploiter by what the psychologists call the process of rationalization. Our minds have a natural tendency to seek and find reasons for believing what we want to believe, and we accept those reasons as valid. Too often we only think we think. In regard to conduct, we are not more strongly inclined to do what we believe to be right than to believe to be right what we do, especially if behind our believing there are interests of our own, near or remote, to be served. So it happens that while "there are no longer advocates of child labor" there are still defenders of child labor, calling it something else and opposing needed child-labor laws. They usually argue that the particular form of child labor under consideration is not child labor—or else that the proposed law would work serious hardship, economically, on parents and children.

If we had to depend on our statute books for our notions of child labor we should be forced to the conclusion that there is no such thing as child labor in agriculture, though the vast majority of children found gainfully employed by the census are in agricultural occupations. Our state legislatures are still largely rural in composition, but this is only a part of the explanation. Neither in country nor in city is much welcome given to the idea of agricultural child labor. The idyllic conception of country life still holds sway in the cities, and country boyhoods are there remembered with pleasure and satisfaction. In the country the tradition and gospel and occasion of juvenile work continue operative with peculiar force, and economic rationalization has its usual effect on opinion. In both city and country our standardized conception of child labor as applying principally, almost exclusively, to industrial occupations and wage employment persists as a bar to recognition of child labor in agriculture. Yet it exists there in large amount and presents some of its worst and most damnable aspects and features.

SOME UNDERLYING CONSIDERATIONS

Skepticism can be overcome, partly by presentation of facts, partly by such conservatism of statement as will make allowance for truth and honesty in arguments on the other side. The most important thing to remember is that the phrase, "child labor in agriculture," contains two variable terms. Not all child labor is alike, and not all agriculture is alike. There is, for example, the child labor of physical overwork and the child labor that precludes a rightful amount of schooling or of wholesome, social, socializing play. There is the agriculture of the home farm in diversified crop regions and the agriculture under the tenancy system of one-crop sections. The single category of "child labor in agriculture," without distinction and discrimination according to the factors involved, is illogical, and obviously the formula of legislative prohibition, or any other one formula, would not fit all the conditions. The remedies for child labor in agriculture must be varied, and largely of a preventive and substitutional type—prevention that goes back to causes, substitution that goes forward to the things that children ought to have in place of child labor.

A second important fact to bear in mind is that very extensive and significant changes have taken place in farm life and economics during the last two or three generations and are still taking place. The Industrial Revolution, of which mention was made in the preceding chapter, has contributed to these changes, but along with it there has also been an Agricultural Revolution. The combined effect on rural child labor has been very great, not least by taking out of the work activities of children certain elements of great educational value. The child's participation in, and observation of, the work activities of the home and community was once more valuable educationally than it is to-day for the same proportion of farm children, and a larger proportion are adversely affected. The rural school has not succeeded in making up this educational loss which transforms children's work into child labor, partly because it does not sufficiently associate farm work with education, and partly because its services avail little to the startling number of farm children who go to school very irregularly or not at all.

A hundred years ago the population of America was mostly rural. It was scattered in farm and village communities which were, to an extent hardly comprehensible to-day, economically and industrially autonomous and self-sufficing. Wants may have been simpler and fewer, but they were supplied at home or near at home. Thomas Jefferson in a letter to John Adams said, "Every family in the country is a manufactory within itself, and is very generally able to make within itself all the stouter and middling stuffs for its own clothing and household use." Even furniture and tools were fashioned at home; soap was made; it was the day of home-made things. Many were the arts and crafts of the farm and the farmhouse, where families lived in sturdy independence of the world but united in the closest domestic cooperation. In the neighboring village, however, were the skilled artisans, working in wood and metals and leather; and there, too, was the local store, with its traffic in articles that could not be produced locally and in luxuries, and with its function of facilitating barter within the community. Trade beyond the confines of the community was small in volume; canals and railroads and automobiles and good highways were yet to come, and transportation was costly. The farm child of that period lived in a microcosmic world.

Then manufactures departed to the cities. The growth of cities as industrial and commercial centers, with an increasing social attraction, meant a shift of population from rural to urban. Transportation improved, and not only did the farmer begin to import more of his own supplies but also to produce for the city market, meeting a demand for foodstuffs and for certain raw materials sought by the factory. As machinery came to the city so also it came to the country—the improved plow, the mowing machine, the reaper, the horse-rake, the threshing-machine, the milk separator, the tractor. They made possible for the progressive farmer a more intensive cultivation and a larger production. The size of farms increased, and so did the amount of work to be done. Agriculture became a strenuous and competitive enterprise. Prosperity and the standard of living advanced with the more fortunate or intelligent or industrious. Others sank to greater poverty, eking out a bare existence by old methods on poor land. Rural slums developed, some of them under a tenancy system which does not allow graduation into ownership and holds thousands of families in a state of virtual serfdom. In large areas agriculture has become highly industrialized, a large crop being planted, cultivated and harvested by non-resident families under a contract-labor system. In a century agriculture and its social and economic accompaniments have been strangely transformed, with remarkable effects on the kind and amount, and the educational value, of the work that children do on the farm.

ADVANTAGES OF FARM LIFE AND WORK

It is not to be thought, however, that the educational value of farm work for children has entirely gone out. There is considerable truth in the assertion of a Yale professor that, ''The best schoolhouse in the world is an Eastern farm, where a variety of crops are produced and a variety of work goes on.'' G. Stanley Hall declares, ''Of all work schools, a good farm is probably the best for motor development.'' President Butterfield speaks of farm boys and girls as participating ''in real tasks. They do not merely play at doing things, they *do* them. They achieve real results.''

Says Charles J. Galpin:

''The child contributes no inconsiderable part of the labor force on the typical farmstead. At the age of six or seven years, the rural child begins to do such tasks in and out of the house as he is told to do. There are many chores connected with the domestic economy of the household which the boy and girl can do, and which become a part of their routine. Responsibility for stated work is assumed very early by the child. From tender age to the time of his majority, the child is an apprentice to the vocation of farming, as his muscular power is drafted into every sort of farm activity. The work habit becomes a part of his character. To be a shirker and slacker on the farm is to suffer rural social reproach. Work is the rural virtue, and the child on the farm imbibes this social virtue, slowly, gradually, constantly. Unquestionably, the farm child acquires the other virtues which follow in the train of the work habit.

''The nation can never pay back to the farmstead the debt incurred through this training of the farm youth to habits of work. The perpetual dismay of the urban home is in finding that there is nothing for the urban child to do except to go to school; no gentle channels leading by degrees into the stream of real life work; no little useful tasks which may habituate the child to the great necessity of work. The urban child, therefore, resorts to play. His make-believe games, plays, sports, are substitutes for the rural child's apprenticeship to work. . . . The labor of the child on the farm in America, with some few localized exceptions, has about it a minimum of child-labor features dangerous to the child and to society. Work in the fresh open air, attended with great variety of movement both from place to place and from task to task, has none of the hazards of mines and factories to the growing body and soul. Farm life is lavish with space in which the child may grow. The open country is a large mold, and the child's nature fits the mold. The vigorous use of the muscles induces the maximum growth and power of the great organs of the body. The farm-bred child, therefore, is the contribution of rural life to the human stock of society. The racial function of the rural child, in a biological sense, is to grow—taking a long time for growth, having a super-childhood and a super-adolescence—to store up human energy. Society will be exceedingly wary of any plan for the rural child which may jeopardize his function of carrying the stamina of the race from generation to generation.''[1]

We can readily accept what Dr. Galpin says about the virtues of rural life for the farm child where conditions are right, but he is perhaps too optimistic as to the universality of right conditions. The time has come to face and remedy conditions that are now widespread if the child's welfare and his service to the nation are to be in the future as Dr. Galpin describes them. Unquestionably it remains true that in many respects and in many instances the best place to bring up children is an American farm; but the trouble is that there is no generic American farm, and the good in farm life and work is not universally present. And just as certain educational values have been lost, so the educational possibilities of the farm to-day are not being utilized, indeed are being neglected, by the home and the school. The possibilities are far greater than the actualities. It might further be suggested that the demands of modern agriculture call for an education rather different from that which might have sufficed a generation or two ago.

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[1] Charles J. Galpin, *Rural Life*, pp. 119–21.

When we come down to cases and actualities we find that farm work does not always possess the values and virtues we could wish. Walter W. Armentrout, of the National Child Labor Committee, makes some interesting distinctions: "When a child spends most of his time at routine work, such as hoeing, ploughing, washing dishes, making beds and doing chores, the educational value is slight. This is only drudgery, is easily learned, and prepares him for nothing better. If, in addition, he feeds some animals, studying the results of different kinds and amounts of feed; and cares for certain animals, raising some young; cultivates corn, selecting seed, studying and using best methods of culture, and keeping a record of cost of production; prunes and sprays some trees, learns to pack fruit, etc., the boy is really getting an education along with his work. If a girl, in addition to the drudgery of housework, learns to cook well; learns something of the food value of meals she prepares; learns to serve; learns the best methods of caring for milk and butter; learns to feed, cull, and care for a flock of poultry; learns when, how and what to plant in a garden; learns how to can and to preserve; learns to sew and to select material for clothing; learns to keep a simple record of household expenses, etc., she is being educated along with her work."

On the basis of these distinctions, Mr. Armentrout carefully observed and studied the everyday occupations of some two hundred and sixty children on home farms of the ordinary, general type, and concluded that about half of them were doing work that was not educational; most of the others were members of agricultural clubs conducted under the auspices of the extension department of the state university. It is encouraging to note that 5,475,732 rural boys and girls ten to fourteen years of age and 5,060,332 fifteen to nineteen years of age are enrolled in the agricultural and home economics clubs promoted by the United States Department of Agriculture.

HEALTH AND PHYSICAL DEVELOPMENT

The relation of farm work to the health and physical development of children is difficult to trace, so many factors enter into deficient health and growth; but that a great many farm children suffer ill effects from overwork, from doing work too hard or too prolonged, from tasks that require a continual stooping posture (such as hoeing and binding corn, hoeing and digging potatoes, or setting up the corn after the plow), from exposure and wet clothing in bad weather, is not to be denied. In haying time there is often a good deal of speeding-up and hours are extra long; in threshing time a neighbor may call for help, and if the father is busy with his own crops he may send his boy. No jobs about a threshing machine are easy, and the boy, anxious to prove himself a man, may select one of the harder jobs. The men on farms frequently let boys perform some of the most exhausting tasks, under the excuse that they are nimbler or younger and it won't hurt them. Barns, like factories, have their irritating dusts (as when hay or straw is put in the mow or transferred) that may prove injurious to boys with tendencies to bronchial or lung trouble, while cardiac weakness is induced or aggravated by lifting too heavy weights.

Accidents to children from farm labor are not uncommon—from broken hoists, a flourished pitchfork, a maddened animal. A twelve-year-old boy, driving a mowing machine, "whoaed" the horses and was removing a stick caught in the sickle when the horses moved and two of the boy's fingers were cut off. A farmer sent his ten-year-old boy to harrow a field with a section harrow. The boy lifted the harrow to clean some trash from under it, but the harrow was too heavy for him to hold and when he dropped it one hook went through his foot. He was lamed for life. Another farmer sent his fourteen-year-old boy, with a team of young mules, not well broken, for a piece of machinery a mile away. The mules became frightened, the boy fell from the back of one, became entangled in the harness and was dragged for a quarter of a mile. He was picked up unconscious and with a broken arm. Accidents on the farm are not wholly avoidable, but often are the result of setting boys at tasks beyond their years and strength and experience.

E. C. Lindeman, in a study of rural health from the standpoint of the need of suitable recreational activities, reached some noteworthy conclusions. He says: ''Notwithstanding the fact that farm work provides for an abundance of physical exercise in the open air, observation seems to indicate that (a) Farm boys and girls do not develop symmetrically. (b) The work of the farm seems to over-develop the major or fundamental muscles, while the finer or accessory muscles are neglected. (c) Farm life in general does not produce a degree of mental alertness and neuro-muscular co-ordination essential to an enthusiastic and optimistic outlook on life. . . . The above conclusions are based upon observations such as the following: (a) Farm-reared young men in the army camps were slower to respond to the stimuli of play. (b) Farm-reared young men reached the stage of fatigue sooner than city-reared young men in forms of activity requiring the action of the whole body. (c) City-reared young men usually excelled at games involving mental alertness. (d) Farm-reared girls lack the ability to execute properly the actions necessary in such games as involve the free use of the whole body.'' Muscular and mental efficiency are signs of the good all-round development that makes for the best health of body and mind.

The common belief in the country that farm work is the certain road to good physical development and health is hardly justified by the facts. Comparison of city and country health statistics does not support it. More children in the rural than in the urban schools have physical defects and ailments.[2] J. Mace Andress remarks that much of the work a boy does on the farm consists in pulling weeds, hoeing, and the like. Such work tends to cramp the chest and throw the shoulders forward. If he drives a team (hitched to wagon, cultivator, mowing machine, binder), he sits on a seat that has no back and assumes a cramped position. Andress says: "Children on the farm may develop considerable muscular strength . . . but there is little exercise that develops vital strength, vigor of heart, lungs and digestion." Henry S. Curtis writes that "Country boys are apt to be round-shouldered and flat-chested, with forward-starting heads. Boys who have done much hard work are usually awkward and clumsy, almost without that grace and suppleness that are characteristic of a child who has been trained through play." Almost it might be said that the physical effects of child labor on the farm are due not so much to the labor itself as to the lack of the supplementary and corrective activities of varied and vigorous play.

CHILDREN'S PLAY IN COUNTRY PLACES

Country children, like city children, need play for its health value, its mental stimulus, and its moral discipline. Especially do they need the group and team play that calls forth the feeling of fellowship and trains in the art of cooperation. One reason why farmers find it difficult to cooperate is that they did not play together enough when they were boys. Play—and plenty of it—joyous play—this is one of the rights of childhood. Work that leaves no time or strength for it, or too little, is child labor because it infringes on one of childhood's fundamental rights. Play is one of the substitutes for child labor because these substitutes are predicated on a positive conception of child welfare that leaves child labor out.

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[2] The health of rural school children is a problem that concerns about 12,000,000 boys and girls, or three fifths of the school children of the United States. Health examinations of more than a million school children in New York State show that 72 per cent of pupils in city schools and 87 per cent of pupils in rural schools have health defects.

The rural attitude toward play is rather unappreciative, and in some sections extremely hostile. It is regarded as a waste of time, if not worse. The real waste of time is in not playing, for children learn more and gain more and live more in their play than in any other way. "Father wouldn't put me up a swing," said a little girl on a hill-side farm. "He said I didn't need to play." There was Abe Fowler, who said: "Boys don't need no time to play. When they hain't workin' they oughtta be sleepin', I reckon." Another man said of his own boys, "There's plenty of work for 'em and no time for foolishness." Another: "I've got a place for my boy to play—cuttin' sprouts and weeds, and wet days he c'n git wood."

Occasionally a favorable attitude toward the play and social life of children is expressed by their parents. A mother declared: "We're too hard on the boy. We never give him no time off. He's a slave." That family was caught in the hard grind of making a living from poor land by poor methods, but the method of working the boy to the total exclusion of play was the poorest method of all. A farmer who had observed or read something of the truth about play said emphatically, "I believe in it. If children don't play, it stunts their growth." One father asserted that "If a boy don't get no chance to play, he's no better'n a dog." And another explained his favorable opinion of play and good times for boys and girls by saying, "I was a boy once myself."

The average rural school misses its opportunity for spreading the gospel and building the habit of play. The playless school in the country—it is not a rarity—is recreant to its educational and social function, and is pretty sure to be a lifeless school in every respect. Curtis goes so far as to say that play is more needed at the country school than at the city school. The farms are getting farther and farther apart and the children are decreasing in number each year so that it is increasingly difficult for children to play except at school. This applies in particular to the team games. Parents in rural regions are likely to think that their children do not need to play ball because they have so much exercise at home. This is not true, because the exercise at home is not always conducive to vital strength, and it lacks the virtues and values of social play. Then, too, mental health is quite as important as physical health, and that is promoted by play activity. Life has grown too hard and serious on the farm; it too often descends to the humdrum. It is the lack of the spirit of play, with enthusiasm, abandonment of self, sanity, and optimism, that is making boys and girls, and even the older people as well, dissatisfied with the country. The rural school can do much for the rural communities by bringing into their lives the spirit of play.

FARM CHILDREN AS LABOR SUPPLY

The status of farm children as labor supply—and that aspect of their value is rather too prominent in rural psychology—has not been favorably altered. The census finds hundreds of thousands of them, even though the count is made in midwinter, constituting singly as well as collectively an important part of the labor force. There must be several millions who work a large share of their time in the seasons of active farm operations. The census figures for successive decennial periods are not comparable, so far as the employment of children in agriculture is concerned. But we know that in the areas of general farming it is becoming continually more difficult to obtain hired helpers for work on the farms, either for the house or for the field. In the old days, as one writer states, the neighborhood group was usually entirely self-sufficient in respect of labor; there were enough men and women in the community to do the work of the community. Now the former supply of adults to be hired in rush seasons or at other times has disappeared from those regions. What modern machinery has done for the small farmer, says a competent student of his problems, is to enable him to get by without help that he can no longer afford, except as he depends on his own family. Everybody has to work to make ends meet on most farms.

So that even on the home farm, owned and operated by the family, a premium is put on the labor of children. It often happens that the larger the farm the more work for the children. Likewise, the larger the family the larger the farm that is operated. This is particularly true of tenant farms, especially in one-crop sections, where the size of the farm granted to the tenant is based on the size of his family. Where families are hired for farm labor under contract—as in the beet fields of Colorado and Michigan—the acreage to be cultivated is allotted on the same basis. The working capacity of the children is seldom underestimated, and the frank demand of landlords and employers is for tenants and laborers with large families. Looking upon children as labor supply carries with it a danger. It is not so much the danger of their working, or even working a good deal, as the danger of their *being worked*.

J. Madison Gathany, who recently made an investigation of "Our Agricultural Plight,"[3] with special reference to the Eastern farm, points out how lack of business methods in farming and absence of remedial farm legislation affect the situation of country children as laborers. He quotes a progressive Pennsylvania farmer who says: "A manufacturer determines the selling price of an article by a system of cost accounting, and regulates the volume of production. A business man adds the cost of doing business plus a percentage for profit to his cost price. The farmer in the past has just produced; he had no system of cash accounting, no inventory, no balancing of accounts. Without thinking he sold away from the farm the fertility in the soil, and threw in the labor of his wife and children. The small cash surplus, if any remained, did not represent profit in farming, but the sweat of child labor and soil-robbing.''

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[3] For *The Outlook.*

Mr. Gathany draws this among other conclusions of his study: ''Lawmakers are not, generally speaking, as much interested in remedial legislation in the cause of agriculture as in that of industry and commerce. We are sacrificing agriculture for the sake of industry, as England did, for which England is now sitting in sack-cloth and ashes. The curse of child labor, which has been driven out of our factories, still persists on our farms.''

EXCESSIVE LABOR OF FARM CHILDREN

The fact that farm children work does not, of course, make them child laborers. It is necessary to consider the amount and kind of the work they do, and the time it takes. We have seen that there are tendencies to exploitation even under the most favorable conditions—the conditions of home employment on the ordinary, general farm. We may now call attention to the great number of farm children who are carrying burdens that properly belong only to grown-ups. In West Virginia, Walter W. Armentrout found the following examples:

> James Good, fourteen years old, without any help, prepared land, cultivated, and harvested 10 acres of corn last summer—really a man's job.
>
> Clyde Smith, fifteen years old, unaided raised six acres of corn and one acre of tobacco.
>
> Ralph Anderson, eleven years old, raised one-fourth of an acre of tobacco and is his father's only help on a 95-acre farm.
>
> Two boys, thirteen and sixteen years old, do all the work on a 125-acre farm, having had 25 acres in corn last summer.
>
> William Johnston, thirteen years old, prepared the land and cultivated ten acres of corn.
>
> A twelve-year-old boy and his mother cultivated six acres of corn and raised and marketed 800 bushels of tomatoes.
>
> Two boys, twelve and fourteen years old, operate a 140-acre farm while the father works in a sand mine.
>
> A boy, fifteen years old, does all the work on a 150-acre farm, his father being away at the mines.
>
> A girl, fifteen years old, and her two brothers, thirteen and

fourteen years old, hoed 15 acres of corn three times, cut corn one week, bound oats by hand three days, raked hay with a hand rake eighteen days, picked up potatoes for three days, 25 bushels each, per day, last summer.

One boy, twelve years old, was found operating a tractor, disking a 20-acre field, unaided.

FINDINGS IN A SOUTHERN STATE

In a rural township of the South agents of the U. S. Children's Bureau studied the various farm occupations—both field work and chores—performed by children, the health hazards involved in each, the length of the working day, and other matters. The report [4] tells of a white family, living on a farm of 110 acres, with 30 acres in cultivation. The family consists of father, mother, and six children—two boys of fifteen and thirteen, a girl of ten, boy of eight, girl of six, and a three-year-old baby. The two older boys plow, help set out the garden, hoe corn, strip fodder, gather corn, and chop and pick cotton; these boys also help take care of the stock and feed the hogs. The ten-year-old girl and eight-year-old boy drop corn and peas, hoe corn, chop and pick cotton, and pick peas; the little girl also helps her mother with the housework, and the boy takes the cow to the pasture and back and carries wood and water. The six-year-old girl feeds the chickens, brings in the stove wood, and helps irregularly with the cotton-picking. The trouble with such families as these is not that the children work, but that they work so much, and sometimes at unsuitable tasks, with too little time for play and school.

It was found that two-thirds of the white children in the township and three-fourths of the negro children from five to fifteen years old, in addition to chores and odd jobs, helped in the fields, cultivating and harvesting the crops. Children of all ages were at work in the fields; 51 were children under eight (22 white and 29 negro); 120, of whom 47 were white and 73 negro, were under ten years of age. Cotton is the leading crop, and in the cotton field a large proportion of the labor is performed by children of various ages, from the well grown boy of fifteen to the toddler of five or six, who works along with the rest of the family in cotton-picking time. Plowing, planting the cotton crop, and putting out fertilizer are usually done by the men, but sometimes boys of ten or older take a hand. Numbers of children of both sexes and of all ages from five to fifteen help with the thinning and weeding. This work requires little strength and no particular skill. "It is, however, very fatiguing in the hot sun of midsummer; and because of the monotony of keeping the same position, the shoulders and arms ache from the muscular exertion, and the hands become cramped from holding the hoe. The chances are that any considerable amount of this work is too severe for a young child."

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[4] Frances Sage Bradley and Margaretta A. Williamson, *Rural Children in Selected Counties of North Carolina.* U. S. Children's Bureau Publication No. 33.

Cotton-picking, the report continues, is the work of the entire family. One mother, when she puts "one at it," puts "them all at it." One hundred and forty-one white children and 204 negro children, of both sexes and all ages from five to fifteen years, picked cotton. Many families take all the children to the field, even in frequently observed instances, depositing the baby in a box under the trees at the end of the row. The cotton picker walks up and down between the rows, stooping over to pick the cotton and tossing it into a sack worn over the shoulder; when filled, the sack is emptied into a sheet spread out on the ground at the end of the row. Although cotton picking is light work requiring little strength, it has its bad features when the age of the children in the cotton fields is considered. There is exposure to sun and heat in the early part of the season; fatigue, due to long hours, monotony, and the stooping posture; and no small muscular strain from carrying the cotton—as much as 10, 15, or 20 pounds accumulates in the sack before it is emptied into the sheet. The pickers are also under some nervous strain, often racing one another to see who can pick the most in a day. Where they are working out for someone else, the pay is at piece rates—50 cents for every 100 pounds picked—which encourages speeding up. In cotton-picking time the working day is from seven or earlier until sundown with almost no time off for dinner; many families take their dinners to the field and eat as they go up and down the rows. ''Some mornings the sun is an hour high and some it's not up yet before we're in the field,'' said one mother. One negro mother rouses her family at four o'clock; she was ''raised that way''; her father and mother always ate their breakfast by candle light.

FINDINGS IN A NORTHERN STATE

In North Dakota the Children's Bureau recently made a field study of child labor among school children under seventeen years of age in six rural counties. The boys and girls included in the study appear to have done almost every variety of work performed on the farms of North Dakota. Although the simpler and lighter tasks, such as raking hay, shocking grain, hoeing, and hauling of all kinds, were the most frequently reported, especially among the younger children, many heavy and more or less hazardous farm processes involving special physical strain, the handling of machinery or dangerous implements, or the driving of four-horse or five-horse teams were commonly performed by children from the age of ten years up. Plowing, for example, was found to be one of the most important of all kinds of farm work which children did, not only because it was done by a larger number of children but also because it was continued over longer periods of time than almost any other work. Nearly half the children studied had done some plowing during the course of the year, including 359 boys and 55 girls; a majority, including boys as young as eight years of age, had worked with two-share plows drawn by four or five horses. Boys as young as seven years of age and girls as young as ten reported the driving of stackers and hay forks, harrowing and raking hay.

Miss Grace Abbott, Chief of the Children's Bureau, said in her annual report for 1921-22: ''A mere recital of these facts does not visualize the child on the prairie farm as does Hamlin Garland's story of his own life in 'A Son of the Middle Border.' The 'middle border' is no longer a frontier of American life. The care given children to-day is better than it was possible to give to children born under the pioneer conditions of 50 years ago. But it is not all changed—a few of the grandchildren of those American soldiers who turned to the West when the Civil War was over, and a much larger number of the children of the immigrant settlers who followed them, are to-day doing a 'man's work' on the farm when they are still 'little boys longing for the leisure' and needing the schooling of boyhood. As Hamlin Garland pointed out, 'There are certain ameliorations to child labor on a farm. Air and sunshine and food are plentiful.' There are 'changes in the landscape, in the notes of birds, and in the play of small animals on the sunny soil.' The charm and mystery of the prairie is a part of the inheritance of its sons and daughters. Good schools and wholesome recreation, as well as the discipline of daily tasks, should also be their heritage. But, like Garland, Dakota children are still finding that 'To guide a team for a few minutes as an experiment was one thing—to plow all day like a hired hand . . . was not a chore, but it was a job,' and a job means meager educational opportunities in the spring and autumn. For these children, as for him, 'the sun crawled slowly up the sky.' They are 'hungry by 9 and famished at 10,' and 'thereafter the sun appeared to stand still.' The wild geese racing southward at the close of the Indian summer cheer the cold and lonely children as they go round and round the fields, counting the days until the ground freezes too deep for plowing. Is it not this which makes the farmer's son, when at last free to choose his occupation, so often turn his back on the farm, where he has for years done a man's work and known a man's responsibility, and choose industry or trade for his life work?"

FARM LABOR AND SCHOOL ATTENDANCE

Whatever may be the economic necessity that forces rural children into labor of an amount and kind beyond their years, there can be no doubt that such labor ought not to be. The business of children is to be children, and to grow up enjoying their childhood fully, with all its opportunities for health, happiness and vocational efficiency in the future. Sometimes the economic necessity is hardly real. In many cases the farmer's poverty is a sort of traditional poverty, without foundation in fact or due to common lack in the country of surplus money. A judge in one rural county very intelligently refuses to accept farm work as an excuse for non-attendance at school. A man was brought before him for refusing to send to school his two children, ten and twelve years of age, claiming that he could not support them without their work. The judge ordered him to send the children to school and go before the county board and apply for relief. This he refused to do and thereupon was fined for violating the law. The man was known to the community and was well able to pay the fine, as he was to send the children to school.

Of great significance is the relation of farm labor to school attendance. Irregular attendance is a much more serious problem in the country schools than in the city schools. The average term in the cities is 184 days; in the country 137 days. The city child is absent from school 20 per cent of the time; the country child 35 per cent of the short term provided in rural communities. Retardation is much greater in rural than in urban schools. We have heard a great deal lately about the plight of the rural schools, largely in terms of poor equipment, poor curriculum, and poor teachers, matters that go back to taxes and salaries, and thence to public intelligence. But quite as significant as poor schools is poor attendance. Perhaps if we had better schools we should have better attendance, but the poor attendance at the schools we do have is not to be ignored as constituting in itself a serious situation.

The most widespread effect of farm work on children, the National Child Labor Committee concludes after extensive investigation, is its interference with schooling either as a cause or as an excuse for irregular attendance. A study of 174 schools in Oklahoma, involving 6389 pupils, shows that the total number of days absent during the year was more than one-third of the total number of days present. The number of days missed by both girls and boys on account of farmwork was 73,121; on account of illness 44,148; on account of indifference, 26,382; on account of housework, 17,862; on account of bad weather and distance from school, 16,997; on account of all other known causes, 2791. It will be seen that the absences from farmwork and housework almost equal the sum of all the other absences put together.

This problem of farm work and school attendance is discussed in a recent issue of the *Montana School Bulletin*, published by the State Department of Public Instruction: ''Unquestionably the largest proportion of children who are irregular in attendance at school are out to work. It is customary for hundreds of farmers, especially, to keep their children at home for several weeks in the fall and again in the spring when the spring work begins. The most flagrant cases are among sugar-beet workers who are mostly foreigners, but many American parents are using the labor of children in order to run their ranches.'' Attendance records covering a period of three years were given for eight children from beet-workers' families—these children had missed an average of 242 school days during this period and had attended an average of 258 days—only 86 days a year.

The *School Bulletin* points out the effect of irregular attendance on retardation: ''Out of 27 children enrolled last year in one school in a section where the majority of children are kept at home to work during the beet-harvesting season and at other times when farm and home work is heavy, 14 children were from one to three years behind their grades. One family of six children, ages ranging from six to eighteen years, had in 1913-14 a total absence record of 368 days in a school term of 150 days. With such a record of attendance it is not strange that five out of the six children were from one to four years behind their grades."

In the Federal Children's Bureau study of child labor among rural school children in certain counties of North Dakota it was found that over half of the 845 children working on farms had missed 20 days or more of school during the year. Nearly one-third had been absent 40 days or more, and about one-fifth, 60 days or more. Nine per cent had missed half the school term. Absence because of farm work was the principal cause of non-attendance. Seven per cent of the children had lost 60 days or more, or at least three school months, and 28 per cent had lost one school month or more for work on the farm.

In the Southern Appalachians there are many districts where, on account of rough weather and poor roads, school does not keep at all in midwinter, and during the rest of the year farm work constantly interferes with attendance. Of one such mountain district a report of the Children's Bureau says: "For one reason or another schooling is continually interrupted, the most common causes being farm work—particularly 'fodder pulling' in the fall of the year—and bad weather. In one family the children missed two months out of the five-months' term; they have to 'stop out and help a lot' and besides 'when it gets too cold and rough they can't travel this mountain.' Such irregular schooling discourages even the most ambitious: for example, a sixteen-year-old boy who has gone a while every year but has had to stop to gather fodder, plow, sow wheat, etc., is so 'disheartened' at falling behind his classes that he threatens not to go any more."

A dairyman, on a farm of 150 acres in Kentucky, keeps his children steadily at work. His oldest daughter is fourteen and his oldest son ten. The girl has been enrolled in the eighth grade at school for two years but each year leaves before the close of the term to work at home. Her father said: "I couldn't a-got along this year without her help; she's been out o' school since Christmas helping with the dairy and housework. I told her if she'd help me out now, I'd let her finish the eighth grade next year. She wants to be a teacher but there's plenty o' time. She milks ten cows night and morning and her brother milks seven. He'd ruther work than go to school. We raise some crops besides the dairy work."

Over half of the children in the rural schools of West Virginia are retarded and of these thirty-four per cent are retarded for more than two years, according to a study recently completed by the National Child Labor Committee, based on the attendance records of 4,500 children. Of these children only 11 per cent had been daily attendants; less than two-thirds had attended for as much as 75 per cent of the term; 16 per cent had been absent for more than half of the term and seven per cent had not been present for even one-quarter of the term. The causal relation between these two sets of figures is obvious. To reduce retardation among rural school children, one must remove the causes for irregular attendance. According to the statements of the teachers and of the parents, illness and farm- or house-work were responsible for nearly two-thirds of the absence; indifference for a quarter.

In many cases, however, causes were confused with excuses. Much of the absence attributed to illness, for instance, was really due to indifference, for the child was not ill. Likewise, many of the absences attributed to work are, in the final analysis, caused by the indifference of parents; a study of the incomes of these parents revealed the fact that there was no emergency and most of them could have afforded to hire adult labor. The outstanding conclusions of this study are the facts that attendance in rural schools is very poor and that this is due primarily to the indifference of the parents. The explanation of their indifference is two-fold: first, ignorance of the value of education, and second, the failure of the school to interest the children and to offer a type of education which gains the confidence of the parents.

EFFECTS OF FARM TENANCY

Farm tenancy is a contributing factor in poor school attendance. Mr. Gibbons shows that it puts an extra premium on the labor of children—even that of children too young to go to school. Reporting on school attendance as affected by land tenure, in a region where cotton and tobacco are the chief crops, both of them requiring a long growing season, he says: "Ninety-five owner parents said they sent their children to school regularly and 23 said they did not; while 35 tenant parents said they sent their children to school regularly, and 65 said they did not. This is a challenge when 19.5 per cent of owner parents and 62.6 per cent of tenant parents frankly say they do not send their children to school regularly. The ratio of attendance to non-attendance among owners in one-crop communities was 47 to 18, and in diversified-crop communities it was 48 to 5. Among tenants in one-crop communities it was 12 to 13. That is to say 27.7 per cent of owner families and 66.6 per cent of tenant families in one-crop communities, and 9.4 per cent of owner families and 52.0 per cent of tenant families in diversified-crop communities did not send their children to school regularly. Numerically work was the greatest cause both owner and tenant parents give."[5]

Mr. Gibbons tells us further that tenancy, wherever found, interferes with school attendance, and where there is an excessive amount of it, as in the one-crop areas, it undoubtedly influences owner parents in not sending their children to school. In the one-crop sections especially, he points out, there is a great amount of moving among the tenants. In parts of Tennessee Mr. Gibbons found that the owners had owned their land an average of 164 months, while the tenants had lived in the same place an average of only 28.8 months. There was practically no difference in the average number of months owners had owned their land in one-crop and in diversified-crop communities, but the period of occupancy for the tenants in the former was 24.6 months as against 40.3 months in the latter. In one community in the one-crop section the average for the tenants was as low as six months. So much moving has a bad influence on school attendance. Moving time is usually about the first of the year. Frequently, the parents, when they are late in the fall in getting their crop out, do not start their children to school, knowing they will move about Christmas time; then after they have moved, they argue it won't be long before school closes and spring work opens up, so it is of no use to start them at all. Many children were found who had been out of school for a whole year at a time.

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[5] Charles E. Gibbons, "Child Labor and Rural Tenancy," in *The American Child*, February, 1921 (Vol. II, No. 4, p. 300).

''Shifting tenantry creates an attitude of indifference on the part of both owner and tenant parents towards the development of schools. Owner parents who are financially able—and many of them are—send their children to town to school. This tends to educate the children away from the farm, while their parents lose interest in the local school and oppose the raising of the tax levy for its maintenance. Hence the management of the schools tends to fall into the hands of less competent people. The writer found in Tennessee a well-marked tendency in certain localities for the schools to be patronized by tenant children only. This is unfortunate, for, if tenancy is to be maintained as it should be—as a normal stepping stone to ownership—then the democratizing effect of all children attending the same school should not be lost.''

Not an uncommon picture in our great Southwest is this real one: a tenant family proceeding slowly along a rough road in an old and rickety wagon drawn by a team of horses—father, mother, eight children, with all their worldly goods, moving from one little house to another.

They had just harvested the crop on the place they had been renting during the past season, and had broken up house and started for a vacant house and a bit of ground which they had been told lay "over yonder beyond the hills." The owner had agreed to let them occupy the place, but even they did not know just where it was nor anything about the conditions there. It was simply "over yonder beyond the hills." The children had not been in school that year and if they attended at all, it was only after the family had got settled again and their help was not needed about the house and field.

There are tenant families who are tied to one place by incessant debt to the landlord. Professor John F. Smith, of Berea College, has described "that very large class of one-mule tenant croppers who are forced early every spring to sign papers that mortgage away their crops long before they even break ground to plant them. They must have bacon, bread, coffee, clothing, and mule-feed; they want tobacco, ribbons, chewing gum, and other indulgences, but before the landlord will sell to them or 'stand for them' at the country stores they must sign the papers, though it takes the bread from their babies' mouths, keeps the winter shoes from their little feet, and deprives them of their only cows that supply their babies with milk. The landlord sees to it that the papers are signed either with name or cross-mark, and he furthermore sees to it, as a rule, that the amount he 'stood for' comes out of the crop before any of it can go for shoes, dresses, ribbons, or anything else for the personal use of the cropper. Such is the tenant system for the very poor throughout the Southland, and it applies to white and negro alike. It guarantees the rent to the landlord, and it insures poverty to the tenant and deprives him of freedom. He binds himself out for a season for bread and clothes for himself and his family. And if by chance the bread-winner is taken away by malaria, typhoid, tuberculosis, or some other killing disease the widow in her extreme is often reduced to the plow and must sign away her prospects just as her husband did before her. The pernicious effects of this system are often seen in another direction. It affords an opportunity for much high-handed hypocrisy on the part of the land-owners. The landlord or his agent weighs or measures the crop, appraises its quality and value, and buys it himself. He often 'runs' the neighborhood store where the tenant trades, and sets the price the tenants must pay. Thus is he exposed to a twofold temptation: to employ short weight or shallow measure, and to inflate prices. There's many an entry made in daybooks and ledgers that only the 'experienced' landlord can explain to the hard-pressed renter.''[6]

As Gibbons shows, it is in the one-crop sections, in conjunction with cropper tenancy, that some of the worst phases of rural child labor appear.[7] The number of ''hands'' a tenant has usually determines the number of acres he may have in cotton or tobacco, the landlord to receive half the product. Since the tenant's labor supply is derived from his own family, the number of acres he cultivates depends on the number of children he has. ''Owners as a rule do not provide modern, power-driven machinery for their tenants. Most of the plowing for and cultivating of cotton and tobacco is done with single plows and one-horse cultivators. This makes the work go slowly, hence a great amount of labor is needed. Cotton is planted, hoed, weeded, and picked, and tobacco is planted, hoed, weeded, suckered, wormed, topped, gathered, and prepared for curing and market—all by hand. Children from six years of age and up can be and are used in every one of these operations. The fact that there are so many kinds of work that children can do is too often conclusive proof to the parents that their children ought to work, school or no school, recreation or no recreation. They never have any suspicion that the health of their children may be seriously affected by their labor.''[8]

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[6] John F. Smith, ''Pinkie, the Little Cotton Picker,'' in *The American Child,* February, 1921 (Vol. II, No. 4, p. 330-331).

[7] There are about 225,000 cropper tenants in the Southern States.

[8] Charles E. Gibbons, ''Child Labor and Rural Tendency,'' in *The American Child,* February, 1921 (Vol. II, No. 4, p. 299).

TWO COUNTIES IN TEXAS

The Federal Children's Bureau has just completed a survey of child welfare in two typical rural counties in the cotton-growing section of Texas—Hill County in the rich "black belt," where the proportion of negroes is low and the proportion of farm tenants is high, and Rusk County in east Texas, where these conditions are reversed. Most of the field work done by the children was in connection with the cotton crop. In the cotton fields at the picking season the whole family can usually be found at work—father, mother, and children of all ages. In the spring children work at hoeing and chopping the cotton and, although not so extensively, at plowing, harrowing, cultivating, and other kinds of field work. Practically every child ten years of age or over—girls as well as boys—had worked in the fields at some time during the year covered by the study, though most of them for only a month or two. More than half worked in the fields ten hours or more a day, on an average, and many reported an average working-day of twelve hours or even longer.

The extent to which field work interfered with education was difficult to measure, since school terms in rural districts are often shortened to accommodate work in the fields. For the schools which began in September or October many teachers reported that a half or third of the children who should have been in school did not register until November or later. Many of these children will, in later mature life, be handicapped by illiteracy. In seven per cent of the white families visited in Rusk County, and in nine per cent of those in Hill County, one or both parents were illiterate; in about one-third of the colored families illiteracy of one or both parents was reported.

IN THE CONNECTICUT VALLEY

For the most part, the child labor which we have thus far been considering is child labor on the home farm, where, according to the latest census, 88 per cent of our juvenile agricultural workers are employed. If space permitted, separate stories could be told of a dozen forms of specialized or industrialized agriculture in different localities, employing children from neighboring towns or cities, or as members of migrant families. We could describe such conditions in cotton fields, tobacco fields, beet fields, onion fields, melon fields, berry patches, cranberry bogs, truck gardens, fruit orchards, and so on. In each instance there is a large amount of handwork that very young children can do and for which they are used in large numbers. Some tens of thousands of children are utilized—some working in gangs, often of fifty or more, under bosses, and another large proportion working merely as members of the laboring family, which often is a migratory family, following the crops from locality to locality. Hours are excessive, health is affected, play is precluded, schooling is irregular and scant. Often the families are housed in squalid shacks or in large dormitories under conditions of little personal privacy and poor sanitation.

Last fall the Massachusetts Society for the Prevention of Cruelty to Children reported that boys and girls from ten years of age upwards were being employed in the tobacco fields of the Connecticut Valley under conditions which are injurious. Their hours are from nine and one-half to ten hours a day. The boys work in the fields under canvas; their task is to pick the tobacco leaves from the stem and lay them on the ground, from which they are brought to the sheds. In the sheds the girls string the leaves on laths about four feet in length. This process consists of taking a needle and a piece of twine and piercing the leaves near the stem. When about forty leaves are pierced, the twine is fastened, leaving the leaves in a suspended position. The report states: "It is extremely hot under the canvas and the work scarcely seems a healthy occupation for young children." "All of the girls and women work standing for the full nine and one-half hours." The Industrial Inspector remarks: "I know that the sight of so many children working in the fields during the heat is repugnant to folks who are interested in preventing the exploitation of child labor, but the work in which they are engaged is on a farm or in sheds in connection with a farm and as such is not a violation of the existing statutes governing child labor.''

CHILDREN OF THE BEET FIELDS

Child labor in the sugar-beet fields presents conditions of exploitation and neglect hardly less disgraceful to America than the tragic conditions found in mines and factories twenty years ago. In a limited portion of the beet-raising area—parts of two counties in Colorado and three in Michigan—the Federal Children's Bureau gathered data regarding 2500 children between six and sixteen years of age, 72 per cent of whom worked, and 1400 additional children under the age of six years, whose mothers and whose older brothers and sisters worked in the beet fields. The findings are here summarized.

Some of the beet growers, both farm owners and renters, plant a relatively small acreage of beets and depend upon their own families to do the necessary handwork. In the area studied in Colorado four-fifths of the laborers were residents and were engaged by the farmers themselves. They lived in towns near the beet fields, moving out to the country in the spring and returning to their homes after the harvest. About two-thirds of them were Russian-Germans, many of whom, by dint of hard work on the part of every member of the family, will eventually become renters or owners. One-fifth were Mexicans who came in for beet work during the season. Only seven per cent of the laborers were native-born Americans. In these laborers' families, which do the great bulk of the beet work, 43 per cent of the workers were under sixteen years of age.

Family labor for the summer work in the Michigan fields was secured by agents of the sugar companies from Detroit, Chicago, Ohio cities, the mining districts of West

Virginia, and even from Texas and Mexico. The opportunity for utilizing the work of women and children in the beet fields was held out by the agents as a special inducement. One father, a miner from West Virginia, who said that he had come to the beet-growing country because his children were too young to work in the mines but could help ''in beets,'' had all four of his children at work in the fields, the oldest twelve, the youngest only five years of age. The sugar companies usually rented old farm houses for their workers or furnished small portable houses, which too frequently were crowded, and sometimes were in bad repair. In many of the beet-field families from three to ten persons were obliged to sleep in one small ill-ventilated room. Occasionally a shack of tar paper or tin, or a caravan wagon to be moved about as the work required, was the only shelter provided. These wagons furnished such cramped quarters that, as one child told the agent, the family ''has to take turns going in as there isn't room for all of us at once.'' Housing and living conditions were equally deplorable in the Colorado fields. Children both in Colorado and in Michigan worked at very early ages. More than half the child-workers included in the Bureau's study were between the ages of nine and twelve years, inclusive, and the average was eleven years. They thinned out the small plants in the spring, hoed, pulled up the beets when grown, and ''topped'' or cut off the beet tops. ''Pulling'' requires considerable physical effort, for the matured beets weigh from two to eight or nine pounds; in ''topping'' a certain amount of danger is involved, especially for the younger children, as the work is done with a long, sharp knife hooked at the end. Cuts on the legs or knees are not infrequent, and occasionally a child cuts off a finger.

Physically, however, the most harmful feature of the work probably lies in the long hours. From 64 to 85 per cent of the children (the proportion varying with the different processes) worked nine hours or more per day, the working-day running sometimes to thirteen or fourteen hours, exclusive of mealtimes. The average working-day, however, was usually between nine and ten hours. The continued stooping in kneeling and crouching positions when ''thinning'' and the lifting and handling of heavy weights in ''pulling'' and ''topping'' affects, it is believed, the posture and outline of the growing child's body. Seventy per cent or more than 1000 beet-working children who, in connection with this study, were examined by the Hygiene Division of the Bureau, had postural deformities and malpositions apparently due to strain, as shown in the report of that division. ''A total of 676 cases of winged scapulae were found among the 1022 children, 66.1 per cent of the entire group having this defect; hence two children in three were taxing the muscles of an undeveloped shoulder girdle in this period of growth.''

The interference of beet work with the education of the children is especially noted in the Children's Bureau report. Comparison of the children so employed with children who were not engaged in beet work based upon school records in 1920 (these reports covered several thousand children) showed that the percentage of retarded children was 20 to 30 per cent higher among the employed than among the non-employed children. Among the children employed in beet work the lowest percentage of retardation was found among the children of resident owners and the highest among the children of transient laborers. The high proportion of retarded children among the beet workers is due to the prolonged absence of the beet-working children during the summer and fall beet seasons. In transient laborers' families children are likely to be withdrawn from school for the exodus to the beet fields in March, April, or May, not to return until November or December, and sometimes even January. The resident children lose less time, but school records in 1920 showed that they were absent from 30 to 60 per cent of the school days up to November 15, while children who did not work in the beet fields were absent only 5 to 14 per cent of this period.

The attempt to substitute a summer session for beet workers—while it has improved the attendance—has not yet, the Children's Bureau declares, succeeded in enabling the children to make the same progress that can be made in the ordinary, uninterrupted term. For children in laborers' families who continuously work in the beet fields year after year there is little chance of obtaining the amount of education which a normal child should acquire between the ages of six and fourteen or sixteen.

The National Child Labor Committee, in its report on "Child Labor in the Sugar Beet Fields of Michigan," speaks thus of the "beet vacation" which has been adopted in some localities as a solution of the problem of non-attendance: "It has miserably failed. It works an injustice to those children who do not need to stay out for work. It necessitates the beginning of school earlier in the fall, or else running it later in the spring. More often it is the former. This means children must attend school during the hot weather of the late summer and early fall, and then suffer a break in their school work. Furthermore, a vacation of one week usually means two weeks, and of two weeks, three weeks, and so on, because the children and the parents know that the former can remain away from school the last week before vacation and run little chance of the law being invoked. Naturally it takes some time to get the enforcement machinery of the law to work, and they have learned to take advantage of this. A more important reason, however, is that the act of granting a vacation is a public recognition that the work-life of a child is of more importance than its school-life. The period of childhood is the time for schooling, and whatever work-life a child may have should be so adjusted as to give the right of way to its school-life, and not the contrary. 'School first' ought to be the slogan for every community for all of its children between six and sixteen years of age."

The National Committee has made child-labor studies in the beet fields not only of Michigan, but of Colorado, Kansas, Nebraska, and Iowa, its findings agreeing with those of the Children's Bureau. A prominent business man of Detroit, reading in a newspaper a description of conditions as revealed by these studies, sent the clipping to a friend with the penciled notation in the margin: "I worked in the beets when I was a boy, and I know. Fred, it's hell." (So much for the attempted justification of child labor on the ground that some of its graduates succeed in later life.)

In the Midwestern beet fields children as young as seven hoe all summer. Children of five and six thin, weed, pull, top, pile and cover beets at the various stages of the season. In thinning and weeding the child crawls on his hands and knees along the rows, or rather on his wrists and knees, as his hands are otherwise employed. "Jes' like a dog," a small boy said. The other processes are more strenuous if not more tiring. It is the long continuance at these tasks hour after hour, day after day, and week after week, that saps the vitality and warps the bodily frame. A report by the National Child Labor Committee says: "We saw wrists that were swollen and lame, hands that were sore, cracked and full of dirt, and knees that were sore, cracked and calloused. The glare of the sun is a very severe strain upon the eyes of many children." Fingers accidently amputated in "topping" the beets, rheumatism and other ailments from exposure to all weathers, were cited as being all too common.

In Michigan—to illustrate an incidental aspect of the beet-work situation—the investigator found scores of little children who, while they did not work in the fields, were none the less victims of the situation. A family of six lived in a one-room shack with no windows. Light and ventilation were secured through the open door. Little Charles, eight years of age, was left at home to take care of Dan, Annie and Pete, whose ages were five years, four years, and three months, respectively. In addition he cooked the noonday meal and brought it to his parents in the field. The filth and choking odors in the shack made it almost unbearable, yet the baby was sleeping on a heap of rags piled up in a corner. This is certainly not a description of a normal home life.

The Children's Bureau in its report on three Michigan counties says that among the laborers' families nine out of ten of the mothers having children under six years of age worked in the fields, and practically half the children under this age were usually taken by their parents to the fields. The babies were sometimes kept in boxes or baskets without shelter of any kind. Only half of the young children who were left at home were cared for by adults. A few were cared for by brothers or sisters less than seven years old, and some had no caretakers in the house. The mothers worked long hours in the fields and did housework in addition. So long as the theory of payment for the beet-field work is in effect that of a family wage, it is not to be expected, the report states, that the children will be kept in school regularly or the mother withdrawn from the field to care for her children and the home.

FAR WEST, MIDDLE WEST, AND EAST

Miss Emma Duke, as agent of the National Child Labor Committee, made a study of child-labor conditions in Imperial County, California. The labor supply is largely that of migratory families who are in the county from October to March, and move about from one district to another as they change jobs according to difference in crops or in search of better employment. Some ranches are so large that camps for the workers may be moved from one locality to another on the same ranch. Cotton fields are everywhere in the Imperial Valley. They are crowded with pickers and among them ''children thick as bees,'' as one school principal said. Children as young as three pick cotton in the extreme, shadeless heat of the Valley. Not all of the very young children found in the fields all day are steady pickers—some are only babies—but they are there because their parents are there. It may be the best place for them under the circumstances. Whether it is a good place is another question. Children of four and five and six pick from sunrise to sunset. Most of the child pickers are of school age. For long periods 2500 or more boys and girls are out of school picking cotton. One teacher said that some of the children who do attend school begin to pick cotton before daylight. "They come to school at nine and go back into the fields the minute school closes, to toil until sundown or until they can no longer see, and I'm expected to cram education into them."

"Why not?" one hears when speaking of these things; for most of the children are Mexicans, or Japs, or Hindus, or Negroes, or at least not "Americans." But there are many white American children among them—of pure American stock from the Carolinas, Tennessee and other Southern states by way of Arkansas, Texas, Oklahoma, and Arizona, thence into the Imperial Valley. But why count out the "foreign" children? Isn't a child in this enlightened country entitled to an education and to a happy childhood, free from toil, even though his parents may be laborers, and foreigners at that? The fact that conditions may be worse in the country from which they come is not a valid excuse for denying the rights of the children. For unless we give these children our best in their childhood they will give us their worst in their adulthood.

In May last year a representative of the Sacramento *Star,* in company with a deputy labor commissioner, investigated another situation, and reported: "Children not yet in their teens work in the California asparagus fields. Some are only nine or ten years old. They work from 10 to 12 hours a day. Their bosses often are Chinese or Hindus. They live in miserable shanties, many crowded into a room. Their pay is low. They make asparagus-growing profitable. There you have summarized what Harry Gorman, deputy labor commissioner, and I found in a three-day trip into the rich delta region of the lower

Sacramento and San Joaquin Rivers.'' It is also, in substance, what the National Child Labor Committee found.

In Ohio several departments of the state government have been aroused over child-labor conditions in the onion fields of Hardin and surrounding counties, one official declaring them to be ''outrageous and unbelievable.'' He estimated that between three and four thousand children between the ages of six and sixteen are working in the marshes weeding and topping onions. A Cleveland newspaper man reported them as working ten hours a day under a speeding-up system. He said that the onion-weeding necessitated crawling on hands and knees through mucky soil and that the children became completely exhausted. Mr. Gibbons found that many of the children are in families that come yearly into the Ohio onion fields from the mountains of Kentucky.[9] These children leave Kentucky about April 1 and do not return until the middle of November. They get little schooling in Kentucky and none in Ohio. State officials in Ohio, having obtained an opinion from the attorney-general, believe that under the amended compulsory school-attendance law they can stop the labor of children under fourteen in the onion fields (the attorney-general regards it as coming under the head of industrial employment), and reduce the number of older children employed.

A somewhat similar situation, exemplifying as in Ohio the effect of industrialized agriculture upon school attendance and also the problem which arises when children living in one state work in another (a problem which suggests the wisdom of interstate agreements or of federal action of some sort), exists in connection with some of the Eastern truck farms. The migration of hundreds of families from Philadelphia and other Eastern cities for work on truck farms, and its consequences in respect of child welfare, have been studied by the Federal Children's

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[9] See Charles E. Gibbons, ''The Onion Workers,'' in *The American Child*, February, 1920 (Vol. I, No. 4, pp. 406–418).

Bureau. The survey shows that 71 per cent of a large group of Philadelphia children who belonged to these families were retarded in school. Twenty-two per cent were from three to six years below normal grades. Of another group of children whose families migrated from Baltimore, two thirds had failed to make average progress in school.

The attendance department of the Philadelphia schools estimates that over 2500 children leave that city before the close of school each spring because of farmwork undertaken by themselves or by their parents. From one school the Children's Bureau found that a third of all the children had left for this reason. The migrations begin as early as February and reach their height at the strawberry season, and the majority of the children do not return to school till the last of October. Many, working the cranberry bogs, remain until even later. Straggling back to the schools, these children present a very difficult problem. The long continued absences in the autumn not only affect the child's progress in his studies, according to the report, but are probably conducive to truancy and to absence for other unlawful reasons, the restraint of the school-room not having been felt for many months. An investigation made by the Bureau in the truck-farming area of Southern New Jersey, in which most of the families were from Philadelphia, showed that except on one farm no effort was made to send the children to school. The local school authorities took the position that these children were not properly residents of the community to which they migrated and that the New Jersey law did not apply to them.

The Children's Bureau secured information regarding the work, schooling, living conditions, and family welfare of 869 children enrolled in Philadelphia schools who had been absent for work on truck farms, and of about 3600 children who were found working on truck farms in Maryland, New Jersey, and Virginia. In addition to interference with schooling a serious menace to the welfare of children migrating from Baltimore to the truck farms of Maryland was found in the crowded and unsanitary conditions of the quarters where their families were housed. The camps provided by the farmers were barnlike shacks, in which one or two large rooms were shared by 30 to 100 persons of both sexes and all ages. Each family group was usually given a section on the floor about six feet square, separated from the section allotted to the next family by no other partition than a board one foot in height.

TASKS OF EMANCIPATION

Solutions for rural child labor? Suggestions that may be considered include, in general terms, the legal solution, the economic, and what is quite as important, perhaps more so, the solution that consists in the development of a better *attitude* toward play, and work, and schooling—*and childhood.* As to present child-labor and school-attendance laws, the situation may be briefly stated. In 17 states agriculture is specifically exempted from the provisions of the child-labor law regulating the age at which children may work and the number of hours during which they may work. In the other states a definite exemption is not made, but agriculture is omitted from the list of occupations affected by the child-labor law; or else the "all gainful occupations" clause is not enforced with regard to agriculture. All states now have compulsory school-attendance laws, but in ten states the legal term is less than five months and fourteen states excuse children for trifling causes. Practically no state enforces the proper attendance of rural school children.

Restrictive and prohibitory legislation may be appropriate for child labor in certain industrialized forms of agriculture, where large numbers of working children are congregated. So far as child labor on the home farm is concerned, the remedy lies largely with the family and the community, certainly not in prohibitory laws. There are rural children on the home farm who are being worked to their detriment and disadvantage, but this is a condition that can be better overcome by the education of parents and by community sentiment than by legislative provisions that could not be enforced through lack of adequate inspection, leaving out of the question the fact that legislation and inspection of this kind would strike the average farmer as an unwarranted invasion of his domestic rights. He would stand with the Englishman whose house, in proverbial phrase, is his castle.

There is much to be said for the economic solution, especially as it applies to tenancy. It is not that tenancy should be abolished, but that tenancy should cease to be anywhere a system of economic and social serfdom. There are some upholders of the economic theory of child-labor reform who apparently believe that just as soon as a few dollars have been added to the farmer's income child labor on the farm will cease. But some of the most consistent exploiters of children are farmers who are "well off."

On the other hand, parental concern and self-sacrifice for the welfare of the children is often found in the house of poverty. The Federal Children's Bureau report on "Rural Children in Selected Counties of North Carolina" contains some thrilling examples of the effort made by mountain parents to give their boys and girls every possible opportunity for schooling. A mother who herself had to work from early childhood has always sent her children to school with a grim determination to give them a "grand education"; she cheerfully shoulders the farm work, pulling fodder, cutting tops, performing other field tasks all day in order that the children may be at school. In another mountain home there hangs a framed certificate showing that a nine-year-old girl, the youngest in a family of ten, was neither absent nor tardy during the entire school term. A girl of fourteen, another "youngest child," has gone to seven "schools" (school terms) and has never missed a day or been late. One mother, herself illiterate, wants her children "to be well educated so they can read the Bible."

Let us cite this further instance: "A large family in a poverty-stricken little home at the foot of a high mountain, many miles from the nearest town, has had all kinds of bad luck, and if it had not been for the mother's ambition for them the children could not have had a chance. Once when there was an unusually good teacher at the subscription school, and the family could not afford to send the children, the mother went to the teacher and asked him if he would accept the heaviest pair of wool blankets she could weave instead of tuition. He agreed. She later made the same arrangement with one or two other teachers. When the time came to send the two oldest girls to the town school, the mother and the oldest boy took a cane mill over the mountains, making sirup on shares, wherever people raised cane. They sold sirup and made enough to start the girls, borrowing the rest with the understanding that the girls would pay it all back the first year they taught. At the town school the girls made gratifyingly high records in scholarship. The mother is a splendid type of woman, desperately anxious that the children shall 'learn and get ahead.' "

Though it is not true that poverty is invariably a bar to the welfare of rural children, it is unquestionably true that better economic conditions in the country would make possible an improvement of country life generally and enhance child welfare in many ways. Better economic conditions would result in better roads, better school attendance, better schools; these would result in better economic conditions. Better economic conditions would result in higher standards of living; higher standards of living would result in better economic conditions. It works both ways. So must we work both ways in attempting to solve the problem of rural child labor, which is primarily a problem for country people to solve. Much may be expected of such instrumentalities of the rural renascence as the County Farm Bureaus, Community Clubs, and Boys' and Girls' Agricultural Clubs, now doing so much to develop country life on both its economic and its social side. These are promoted by the United States Department of Agriculture and the State Agricultural Colleges, but the membership and activity, and largely the leadership, are rural. In these organizations, as in the granges, we have forums of discussion, where rural public opinion takes shape; and rural public opinion, when once freed of its economic bondage, will not tolerate child labor. It will demand and get the best for the children of rural America. This best for the children will be part of the common standard of living, as accepted by the individual family.

Discussing the problem of child labor on the farm, Dwight Sanderson of the New York State Agricultural College said in a recent address: "We have wisely established child-labor laws for the protection of children in industry and many good people are rightly indignant at the evils of child labor on the farms in very many sections of the country. But it is entirely useless to attempt to enforce such industrial standards on farms where the economic situation makes it impossible to operate them under present conditions without child labor, or where the practice is so common that public opinion does not disapprove. We have given large attention to the economic disadvantages of industrial workers, but what of minimum wages, a 44-hour week, the rights of collective bargaining, and of decent housing for farmers? It is useless to attempt to enforce urban standards regarding child labor on the farm until some of the underlying causes of child labor on the farm are remedied and until the public opinion of rural communities demands it."

The economic basis of child labor is quite as pronounced in the country as in the city, though in neither place does it wholly control. For the sake of country children, that none of them shall be drudges, and that all of them shall have schools and schooling and a chance to play, America must solve the economic problems peculiar to farm-life—the problem of farm tenure, or rural credits, of cooperative enterprise, or profitable marketing, of better agriculture. The critical point in rural economics is the country school. Such it is in most matters of rural progress. The country school must teach health; the country school must teach play; the country school must give knowledge of all the needs and problems of rural life and cultivate ideals; the country school must answer the vocational needs of country people. The greatest vocation of all is, not farming, but life; and the problem of rural child labor will be solved, not by economics alone, nor by laws, but by people and the spirit of humanity and love.

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CHAPTER III

URBAN AND INDUSTRIAL CHILD LABOR

Many of our most successful men, many of our best citizens of both sexes, came up from child labor, or from what they conceive to have been child labor. But success of any kind is due to a thousand different factors—factors from heredity and from environment—and in every case it is due to some peculiar combination of factors. Inborn qualities and outside circumstances join together in producing the result. They are very difficult to analyze or even to name, and especially difficult to rearrange in retrospect. There is always, in success, some element of fortune somewhere, but it is never in child labor as correctly understood. It simply cannot be found in the premature or excessive labor of children. If it could, then society ought to prescribe child labor for all children—guarantee it as one of the rights of childhood.

The fact that some individuals have safely weathered the hazards of child labor or have succeeded in spite of child labor, is no good reason for subjecting children to its dangers and deprivations. We must count the wrecks and the failures, and reckon the risks. We must consider the loss to society from the waste of potential talent and genius that never was evoked and developed for lack of appropriate stimulus or timely opportunity. We must think of what might have been for both the individual and society if there had been no child labor in the past. Educationally, because of irregular school attendance and early school-leaving, we are a nation of sixth-graders. Is that any ground for pride or any reason for remaining a nation of sixth-graders?

Always, in considering child labor, we ought to compare the present with the future, looking forward to that day when child labor shall be no more, and all children shall enjoy the substitutes for child labor, such as suitable schooling, suitable play, and suitable work, which manifestly do not imply an easy, effortless, flabby existence, but on the contrary strengthen the sinews of body and mind and conduce to vigor and efficiency.

CHILD LABOR IN CITY STREETS

Toward child labor in street occupations, as toward child labor in agriculture, we are especially tolerant and complaisant. Many of us, indeed, are rather strongly prejudiced in favor of it, finding ourselves obliged to overcome serious difficulties in order to recognize it as child labor. So many newsboys, for instance, not only in fiction but in real life, have risen to fame and fortune that we are predisposed to regard the work as a favorable first step on the road to success. Moreover, we see in the streets, engaged in this or that occupation, so many bright-faced, healthy-looking youngsters that the idea of child labor does not suggest itself. We have to examine an occupation in all its aspects and conceive of child labor as having a dozen different aspects of its own before we put the two together. Juvenile street workers are so common, we are so used to them, that we easily overlook the details of their situation. We take these children of the city streets for granted. Our thought of them is usually as casual as the act of buying a newspaper or getting our shoes shined—we are in a hurry, with other things on our minds.

Juvenile street labor illustrates very well, not only our complaisant attitude toward work which involves many hazards and great costs, but also our failure, as parents and as citizens, to organize the activities of children in safe and profitable directions. Parents whose children work in the streets often say, "There's nothing else for them to do." Or, "Selling papers keeps them out of mischief."

Children's out-of-school activities in our modern cities do present a real problem to parents and public, but child labor is not the solution; it is a result of the failure to solve the problem by establishing good things—conditions, activities, opportunities—in the lives of all children.

How many juvenile workers there may be in our city streets throughout the country can only be estimated. The census of 1920 gives 20,706 newsboys ten to fifteen years of age, a few hundred more than in 1910. But for various reasons, which cannot be gone into here, the census figures are altogether too low for accuracy. There are probably more than the census total of newsboys in the largest fifty cities, to say nothing of the cities and towns with less than 100,000 population. If we add to the newsboys the bootblacks, the errand, delivery and messenger boys, the vendors of chocolate, chewing gum and shoestrings, the market-stand helpers, and all the rest of the young traders and employees, we shall obtain a figure somewhere between 200,000 and 300,000 as the number of children under sixteen spending a large or at least a considerable part of their time in street work.

One child may do several kinds of the city's chores—sell papers, black boots and run errands—on the same day. Little Arthur, twelve years old, has for five years been selling papers several hours after school and nearly all day on Saturday; on Sunday he shines shoes during the forenoon. He is anemic and his school record is poor. Another twelve-year-old boy works as a messenger from eight in the morning until two-thirty in the afternoon, when he changes to inside employment—selling peanuts and candy in a vaudeville house until 10:30 or 11 o'clock in the evening. He earns on the average four dollars a week and works practically twelve hours a day.

So kindly disposed are we toward the street workers, or so ignorant of their need of protection, that we have done very little to safeguard them by state laws, municipal ordinances, or other means. Hardly more than half the states recognize their existence, and relatively few cities have street-trades ordinances. The age limits in state laws are usually below the moderate minimum of fourteen for factory employment—sometimes ten or twelve for boys, and higher for girls. Street-trades provisions in state laws or municipal ordinances are seldom well enforced, in respect of age limitations, prohibition of night work, or license requirements. In Chicago a boy of eight who sold papers every night until one a.m. proved to be the son of a policeman.

Child labor in city streets may be condemned on the general principle that city streets are not a suitable place for either play or work, but the cities are there, the streets are there, the children are there. Whether the children work or not, they are subject under urban conditions to certain dangers and deprivations incident to street life. Children work in the streets mostly of their own volition, because for one reason or another they like to; and they do so either with the approval or without the disapproval of their parents. Some of them take their work seriously, earn good money, and make good use of it; a large proportion are irresponsible irregulars, and a great many are hardly more than infants. To prohibit, by laws or ordinances, city children from working in the streets would not necessarily insure their welfare; the streets would still be left, with all their physical and moral hazards. This does not mean, however, that street work does not have its own hazards, or that it should not be regulated in such fashion as to eliminate certain undeniable abuses.

To correct these abuses we have to enter into the problem of parental responsibility, and especially into the problem of a proper licensing system that will effectualize rational standards as to ages, night work, and so on, protect the legal workers from the competition of the illegal, and make possible a supervision which belongs to society and will follow the child to his home, to his school and to his work—a supervision which it is well nigh impossible for the newspaper proprietor, for instance, to maintain, but in which he can participate. He may employ the child only a few hours, and can be responsible for him only during that period; the child may do other work the same day. Many of the newsboys, especially the younger ones, are not in his employment at all, but are working for older boys or for stands and agencies.

It must be said that even where the licensing of juvenile street workers is practiced, the protection supposed to be afforded children is often nullified by the defects of the system or the carelessness and inefficiency of licensing officers. Children neither physically nor mentally fit for the strain of street work receive licenses. William, age twelve, is an epileptic with a long history known to medical and social workers. Ralph, a puny boy of eleven, has a medical and clinical record of "difficult feeding in infancy and delayed development; subject to convulsions, seizures; diseased tonsils; bad posture; malnutrition, possibly chorea; living in a manner not proper as regards hygiene and diet." Thomas, thirteen, passed by the issuing officer, has serious heart trouble, but was found working on a delivery truck loading and unloading heavy boxes.

EFFECTS OF STREET WORK

A disproportionate number of street workers are found to have physical defects and ailments, such as heart, lung, throat, stomach and foot troubles. In many instances the defect or ailment is traceable directly to the occupation, while in many more it is aggravated thereby. The long hours, the exposure to all kinds of weather, the irregular meals, often unwholesome and inadequate, the rush and excitement of the streets, all these are factors in undermining physical health and nervous stability. Fatigue leads to indulgence in stimulants, such as coffee, and together with street associations to the use of cigarettes.

Long hours? Long and often very early or very late. Henry, who is ten years old and in the 2A grade at school, rises at 3 o'clock in the morning, delivering and selling papers until school time. Johnny, eleven years old, gets up even earlier to help the milkman deliver milk. Both go without breakfast until seven or eight o'clock. Two little fellows, Ned and Frankie, entered the lobby of a hotel about 9 o'clock one cold winter's night to sell papers and warm themselves. Ned was seven years old and Frankie five. It was Saturday and they had been selling all day. For lunch and supper they had gone to a restaurant and bought sandwiches and pickles. They were asked what their mothers would say to their being out so late. "Oh, they don't care," was the cheerful response. On Monday, in reply to the teacher's question, they said they had not gone home the preceding Saturday night until after eleven.

Wiley H. Swift, of the National Child Labor Committee, in discussing the legal regulation of street trades for children, points out that the length of their working day has scarcely received consideration. "The eight-hour standard for children under sixteen is now fairly well established in ordinary employment. . . . Whether we should insist on an eight-hour day in street trades, the eight to include the hours of school, I am not certain, but I am very certain that a boy under sixteen years of age should not be permitted to go to work selling papers at 6 o'clock in the morning, work until 9 o'clock, go to school until 2:30, and then sell papers until 8 o'clock in the evening. By a little calculation you will see that we thus get a 14-hour day. All will agree that that is too much." In Iowa cities Miss Sara A. Brown of the National Child Labor Committee found scores of children under eleven who work four and five hours on the streets plus five and six hours in school. Even an eight-hour workday for such children is too much.

The heavy loads that newsboys carry on their delivery routes are often beyond their strength. Harry, twelve years old, covers a route twelve miles long. His load is usually 15 pounds when he starts out, but larger editions once a week make it 30 pounds. Although he weighs only 60 pounds himself, he carries this load on his shoulder before breakfast, goes to school, and then delivers an afternoon edition. James, eleven years old, and weighing 66 pounds, carries 12 to 20 pounds of papers on his shoulders when he starts out at 3 a.m. over a five-mile route. Samuel, who is fourteen years of age and weighs 100 pounds, once a week carries 75 pounds of papers for a half mile before he begins to distribute them. On the other five days of the week the load is about half as much.

The problem of street work is very largely an educational or school problem—having to do with proper licensing by the school authorities and with the limitation of street work in such a way that it will not interfere with school work. Professor Herbert M. Diamond, reporting on a study of 1200 school children working on the streets of Connecticut cities, remarks: "A considerable number of these street-trading children are doing fairly well in their school work, and a few are doing superior work—in spite of it. But another disproportionately large group of the street traders consists of children who are far behind their grade when compared with the general school population. This retarded group of children is largely composed of those whose long hours of employment outside of school with their relatively large earnings are detracting from the energy and interest which might otherwise be devoted to their more legitimate school work."

Dr. Edward N. Clopper, in his book on "Child Labor in City Streets," has demonstrated that the percentage of retardation in school among groups of street-working children has been found in different cities to vary from fifteen per cent to twenty per cent in excess of that of other pupils. Professor Diamond found in Connecticut cities that one-third of the street traders (of all kinds) are in the retarded group at school, as compared with one-sixth of the general school enrollment. One-tenth of the street traders are in advanced grades as compared with one-fifth of the general school population. In Springfield, Massachusetts, according to data gathered by Miss Amy Hewes, of Mount Holyoke College, 14.2 per cent of the general school enrollment are in the retarded group, while 22 per cent of the newsboys are in it. Maurice B. Hexter, who studied ''The Newsboys of Cincinnati,'' found that ''truancy is twice as great among newsboys as among other boys,'' and reports further: ''Nearly fifty-five per cent of the newsboys are retarded in school, as compared with forty per cent in the general school membership, and this in spite of the fact that newsboys have less mental deficiency than the average.'' In Dallas schools, of 267 newsboys, 213 are retarded, while 30 are above grade. In Pittsburgh, 75 per cent of the newsboys are retarded in their school work. In Mobile, also, 75 per cent of the newsboys are graded below average. In Birmingham, teachers reported last spring that 33 per cent of 143 news-sellers would have to repeat their grades.

MORAL HAZARDS AND JUVENILE DELINQUENCY

The excitements and temptations of street life, the associates with whom boys are thrown, the disreputable places where they are sent late at night—these are some of the factors contributing to an extraordinary amount of delinquency among street workers. Short of delinquency that gets the child into court are all sorts of practices that must be deplored. Newsies early adopt the tricks of their trade—''Buy my last paper, mister!'' when the pleading youngster has some more ''last'' papers just around the corner. Another way of getting rid of papers is to cry false news (as if there usually isn't enough evil and crime to shout!). Open begging is common, and frequently little cripples capitalize their misfortune by huddling themselves up in as pitiable a heap as possible to gain the alms of passers-by. Shortchanging is another trick of the trade. These numerous tricks are taught the little fellows by the older boys or men by whom they are, in many cases, employed as helpers. Fighting and gambling among newsboys while waiting for their papers in alleys or distribution rooms, or during lulls in the day's occupation, are features of newsboy life. Crap-shooting is general among newsboys in one city recently studied. A youngster when asked if he used the dice replied: "Sure I do. Why, everybody does. Be an angel if I didn't!" Some use up half or all of their week's pay and tell their mothers they had bad luck selling or tell some lie about having lost the money. One of the important factors in producing the excessive amount of delinquency found among newsboys is the bad character of the supply men. In one city, out of 23 men so employed on two papers, extensive criminal records were found, a few years ago, for 13. Their offenses included disorderly conduct, assault and battery, running a house of ill-fame, violation of liquor laws, and murder charges.

Delinquency and child labor, especially in street occupations, are closely associated. The connection was clearly shown in the federal report on "The Condition of Woman and Child Wage-Earners in the United States." The total number of delinquents whose records were studied was 4839. The entire number of offenses recorded for all these children was 8797, children who had been at work having been responsible for 62 per cent, while the non-workers had committed 38 per cent. The ages of the children ranged from six to sixteen years and the report states: "When it is remembered that a majority, and presumably a large majority, of all the children between these ages are not working, this preponderance of offenses among the workers assumes impressive proportions." The report shows further that only one-fifth of the workers, as opposed to nearly one-third of the non-workers, came from distinctly bad homes, while from fair and good homes, the corresponding proportion was 76 to 65 per cent. "Conditions do not vary widely between the two groups. They come from the same classes and approach pretty nearly to the same general level of well-being. It seems rather difficult to escape the conclusion that being at work had something to do with their going wrong."

The strongest argument against street work by children, and the most striking illustration of its responsibility for a large proportion of juvenile delinquency, are found in a table of this report which arranges in order the various classes of child workers according to the percentage of delinquents they supply. The list is headed by newsboys, who constitute nearly one-fourth of the entire number; following these come the errand boys; then the delivery boys; then children in markets and stores; then messenger boys. All of these, except the employees in stores, are street workers. Next come two classes of regular inside workers, but these are immediately followed by bootblacks and peddlers. Fifty-four per cent of all these delinquent child laborers were engaged in street occupations. Thus it is clearly seen that street work is a prime agency for the promotion of juvenile delinquency, and this becomes more impressive when we reflect that the forms of street work are few while the variety of inside employment is almost without end. The report denounces street work by children because it is difficult to supervise and bring boys and girls into continual temptation to dishonesty and other offenses.

A direct connection between occupation and offense was held to exist if the working child committed the offense, first, during working hours; second, in some place to which the work called him; and third, against some person with whom his work brought him in contact. The report insisted upon the presence of all three of these elements, or else that the offense be very clearly the outcome of conditions related to the work, before a connection could be asserted. On this basis, a direct connection was found to exist between the work and the delinquency in the cases of one-fourth of the boys employed at the time of their latest offense. "It is a striking fact that while the delinquent boys working at the time of their latest offense were scattered through more than fifty occupations, over six-sevenths of the connection cases were found among those working in street occupations, and that more than three-fifths came from two groups of workers—the errand or delivery boys, and the newsboys and bootblacks. It is also significant that the connection cases form so large a percentage of the total cases among the street traders, the messengers and the errand or delivery boys, their proportion ranging from over one-quarter to over one-half according to the occupation. These considerations seem to indicate pretty conclusively that putting children to work prematurely is not an effective method of training them for good citizenship.''

ECONOMIC ASPECTS OF STREET WORK

The common but quite erroneous notion that street workers are necessary breadwinners, usually helping to support the homes of widowed mothers, or to meet the pressing economic needs of poor families, should be dissipated. This is not true of the general run of street workers. In Tennessee cities Mrs. Mary H. Mitchell, of the National Child Labor Committee, found that of 158 street workers 113 were living with both parents. None had lost both father and mother. Of the 1200 newsboys in Professor Diamond's study, 84 per cent came from normal homes; e.g., both parents were living. In 87 per cent of the cases the father was employed; in 15 per cent, the mother was employed; in nearly all cases the child lived with an adult breadwinner. Of 263 newsboys in Dallas, 176 came from normal homes and only one had lost both parents. In 77.8 per cent of the cases in Springfield both parents were living and the father was at work. There were only nine widowed mothers. In all except one family, others in the household besides the children were employed. In this family two brothers, ten and fourteen years old, supported the mother's home. In Cincinnati only one newsboy in seven was the child of a widow. Only 4 per cent of the newsboys came from families in which the income, exclusive of that supplied by the newsboy, was insufficient to provide that family with a minimum normal standard of living. There is something besides widowhood and poverty that leads children to engage in street trades. Sometimes it is the fun of the thing.

Of the majority of street workers it may be said that their earnings are very meager and that their contribution to family support is negligible. The average newsboy in Cincinnati earns 20 cents a day. The average earnings in Connecticut cities are 54 cents a day; 65 per cent of the boys earning less than 50 cents a day and 26 per cent less that 25 cents. What is done with the money? In Pittsburgh only one-sixth of the newsboys contribute anything to the family support. The others spend all their earnings on movies, crap games, candy and ice cream. In Birmingham 46 per cent spend their money without supervision. Only a little more than half of the total number of newsboys ever buy anything necessary or useful, or contribute to the family income, or have a savings account. In Mobile 66 per cent contribute nothing to home support. In Springfield 55 per cent supplement the income, but in not all cases is the additional amount necessary or of material assistance. It is worth noting that where the child does turn over all his earnings to his parents, there is often to be found a case of gross parental exploitation. Instances could be cited of severe punishment inflicted on children who did not bring home at night the desired amount of money, and of borrowing and stealing in order to avoid the parental wrath. Some boys are so afraid to go home without money that they stay away all night.

There is much that can be done to minimize or eliminate the bad features associated with street work. There are possibilities in the direction of so safeguarding entrance to it and participation in it, of so organizing and developing it, as to make it contribute to the making of men. But in that direction we still have a long way to go. Self-governing street-workers' associations, linked with the tripartite interest and cooperation of parents, employers and school authorities, are a promising step. Unless we do go forward in the direction indicated, the alternative will be the complete abolishment of street work for children. Philip Davis declares: "Ultimately every American city will entirely abolish street-trading by school children. Until that time comes, every city can check many of its abuses by a license system and plan of supervision with self-government as its central feature.'' The Boston Newsboys' Republic, The Milwaukee Newsboys' Republic and the Toledo Newsboys' Association are enterprises well worth study.

CHILDREN IN INDUSTRIAL HOMEWORK

A form of juvenile employment impossible to regulate, and generally recognized as constituting a peculiarly vicious form of child labor, is that involved in tenement homework. Laws that require the licensing and inspection of houses where families do work for factories, or that prohibit the use of children in such work, cannot afford the protection needed by the thousands of boys and girls, many of them little more than babies, who are victims of the iniquitous tenement homework system. Several states attempt to regulate sanitary conditions of tenement manufacture by providing that work shall not be given out to be done in any unlicensed home; no state has a definite prohibition of homework. New York licenses manufacturers to send work into licensed homes, but scores give out work without a license and tenement homework is carried on in hundreds of unlicensed homes. Tenement inspections twice or three times a year are insufficient to safeguard the health of workers or consumers. Twenty-five inspectors cannot adequately inspect 16,000 licensed homes and an unknown number of unlicensed homes. The state child-labor law applies to tenement homework, but how can this provision be enforced? Enforcing officers cannot be constantly present in every home. The only real protection the children get is from the compulsory school-attendance law, but that does not prevent their working out of school hours or a large amount of irregular attendance at school.

Always children are a part of the tenement homework situation, even if they are not at work themselves finishing, repairing, altering or manufacturing articles. They are used to carry goods between the home and the factory, and it is a very common sight to see them carrying big bundles of pants or coats, or large boxes of feathers or flowers, before or after school. They are depended on, in many cases, to wash the dishes, sweep the floors, wash the clothes, cook the meals, take care of the babies, and so on. Usually they join in the work that makes the home a factory. One mother said, "Homework don't pay unless the children help." It is less than doubtful if it does even then.

Long hours of toil, much of it at night and in close, overcrowded rooms, are the lot of the child homeworkers. They are deprived of the healthful outdoor activities which are their right, and are subjected to the performance of sedentary tasks which involve the long continued strain on eye and finger muscles so conducive to fatigue and the development of nervous disorders. A child of nine was crying when a tenement inspector made his entrance. He asked what was wrong. The mother replied, disgustedly, "Aw! She wants to go on the street and play." The inspector asked, "What did you want her to do—finish those beads?" "Sure, why not?" This child's work was to make chains of beads 28 inches long. If she worked steadily eight hours a day, seven days a week, stringing one thousand beads an hour, she could earn less than two dollars.

A social worker tells this story of a tenement home. "You make flowers?" the mother is asked. "Yessa, miss, but me no spik Engleese." There is, however, a small daughter, Angelina, aged ten, home from school with "indigysting," who can act as go-between for us. She, pale, thin, but with bright dark eyes, is propped up in a huge Italian bed (she sleeps at the bottom, her mother and older sister, Nicoletta, occupying the remainder). And she tells us how mother makes these flowers, working from eight in the morning till nine or ten at night, how Nicoletta brings the flowers home from the factory where she works and "branches" them all evening; and she proudly tells how she can do it, too, but shyly says she doesn't like it very much. "And when do you play?" "Half an hour after school." Yes, she gets through school at three, plays in the street till three-thirty, then comes in and helps mother on the flowers the rest of the afternoon and evening. And she begins to tell us how much Emilio, aged eight, helps, when suddenly mother rushes in from the kitchen, excitedly talking in Italian. "What does she say?" we ask. A little silence, then Angelina, looking somewhat abashed, hating to say anything that wouldn't be polite, replies: "She says—us kids don't work."

Children's homework means tired and unresponsive children in the school room. Miss Harriet M. Johnson, of the Public Education Association of New York City, writing of a certain tenement district, says, "There the prevalence of tenement industry is a feature to be reckoned with, for tiny fingers can make flowers and feathers and pull bastings, and this, more than any other industrial condition, reacts upon the school work."

SOME RECENT INVESTIGATIONS

In an investigation of children engaged in industrial home work in three Rhode Island cities made by the Federal Children's Bureau of the United States Department of Labor, it was found that nearly 8 per cent of all the children between five and fifteen years of age had at some time during the year done factory work in their homes, either by hand or machine. They assembled jewelry, strung beads, finished lace and underwear, carded snaps and shoe buttons and performed many other simple operations incidental to manufacture. Of the 2300 children who had worked at least a month, 4 per cent were under six years of age and 46 per cent under eleven.

The standards set up by the State of Rhode Island for school children and children working in factories were violated in the case of home-working children, the report states, in four respects: Children of school age remained at home occasionally or for extended periods to do homework, contrary to the compulsory school-attendance law of the state; children under the age of fourteen were engaged at home in kinds of work which the law prohibited them from doing in factories; children under the age of sixteen who worked in factories did overtime work at home contrary to the spirit of the law limiting hours of labor; and children injured in the course of homework did not receive compensation under the workmen's compensation law. Injuries, especially accidents from machines installed in the homes, in addition to eye strain and fatigue reacting upon school work, were frequent. Many of the children worked not only after school, but also in the evenings; some worked exclusively at night. A few of the children who worked all day in factories or stores also worked at home every night, and eye strain was commonly reported. Teachers and school officials stated that homework interfered with school attendance and the quality of school work.

Four-fifths of the 956 children who reported earnings could not make, at the rates paid, so much as 10 cents an hour working at top speed; half could not make 5 cents. Of the families reporting total yearly earnings from home work, almost nine-tenths earned less than $100 and nearly three-fifths earned less than $25. These earnings in nearly all cases represented compensation for the work of more than one person; in over two-thirds of the families included in the study at least three persons had engaged in homework. A danger to the health of the community was found in the fact that large numbers of families reported doing homework while members of the family were ill with infectious diseases. In some cases the sick persons took part in the work.

Distressing conditions among homeworkers in New Jersey cities are revealed through a study by the state department of labor. Tenement children, toiling amid filthy surroundings, were making "sanitary powder puffs." Deprived of play, they were working on tin toys which were to bear the proud title, "Made in America." A girl of thirteen, waiting to be admitted to a tuberculosis hospital which had already received two of her sisters, was found working early and late in the beading of dresses. In another tenement flat a frail girl of ten, also tubercular, was sewing rompers on talking dolls. Her throat glands were swollen and granulated, and she had recently been operated upon to remove a needle she had swallowed while at work. In one flat of three small rooms and a kitchen lived a family of father, mother and seven children. The sanitary conditions of the place were unspeakable. During the summer, when the children had not been compelled to attend school, they had been made to sit all day fastening pieces of tin in cheap toys. They were undernourished and predisposed to tuberculosis, four in the family having died before the age of four. The combined earnings of the children augmented their parents' income by about six dollars a week.

The danger to community health from the use of clothing and other articles made in homes in which sickness or contagious disease is present is strikingly set forth in a report on tenement homework in New York City, based on a study conducted by Mrs. Mary G. Schonberg for the Women's City Club. The report states: "In one place, the worker was ill with influenza and was embroidering a waist by hand. In numerous instances children were ill with influenza or serious colds and the mother went constantly from the work to the child. Many workers were victims of tuberculosis. In other homes children were suffering with acutely sore eyes or were in various stages of the skin disease known as 'impetigo.' In a Brooklyn family, twin babies lying side by side in a tiny cradle were affected with a severe case of this disease. It had literally eaten away a side of the face of one child and in the other it had attacked the ears. The mother was working on dainty georgette and *crepe de chine* blouses, sewing on buttons and snap fasteners. Only 23 per cent of the rooms visited could be considered really clean, while 67 per cent might be termed 'fairly clean' and 10 per cent were filthy. Seventy per cent of the workers used the kitchen as their workroom, with work strewn on floor and table amidst dirty dishes and dirtier clothes, or sat upon by dirty children. A veil worker with a dirty baby beside her was pasting spots on a veil which trailed across a dirty floor. In an equally unclean home, six children were stricken with typhoid."

Some other significant facts about tenement homework are presented in this report. It is shown that starvation wages are the rule and well paid work a rare exception. Nearly one half of 608 workers included in the study earned only five dollars a week or less. Eighty-two per cent could earn only 20 cents or less per hour, while 89 per cent earned ten dollars or less a week, and that at the supreme sacrifice of their health, their children's welfare and their home life. Ten per cent of the workers earned more than ten dollars a week and these were all sub-contractors.

The report describes some of the common kinds of homework and gives the rates of pay. A manufacturer of paper novelties pays homeworkers 10 cents a gross for pasting two backs and one string on a paper bell. When some of them protested, he replied, "That is what I pay. If you do not like the price I can get other workers." The articles are counted and packed in large boxes at home and later re-counted and re-packed in small boxes in the factory. The price paid, 10 cents a gross, covers all this extra work of packing. For carding buttons the worker gets from three and a half to four cents a gross. Tag-stringing is paid at the rate of 10 cents a thousand tags. An Italian family, parents and five children, managed to earn $1.85 in five days with the whole family working. One child had already died of tuberculosis and the father and eldest girl were infected. For flowers the price runs from 3 cents a gross for sticking stems on leaves, to $1.75 a gross for making branches. For veils the price is from three to three and a half cents a hundred chenille dots. One family made 75 cents for a gross of veils, 27 dots on each veil. Few industries compare with this one for strain on eyes, back and nerves.

Fourteen per cent of the tenement homeworkers covered by the New York study were under fourteen years of age. Defenders of the homework system try to justify it on the ground that widowed mothers need the money which they and their children can earn, but only 26 of the total number of homeworkers in 500 families were widows. The system continues because the employer who uses it saves rent, floor space and overhead charges for heat, foremen and wages. There is no enforceable age limit for workers, nor are there hour limitations or extra payments for overtime. The employer can secure workers in the rush season without having to pay them in the dull season, and is free from factory regulations. But the testimony of employers using the system interviewed in the Rhode Island study indicates that industrial homework could be abolished with few business losses. They said that adjustments could be made in their factories to meet the change. The employers interviewed in New York City were not so sure; a majority wanted the system to continue. But in the interest of the home, in the interest of children, in the interest of public health, there is nothing to do but put an end to tenement homework, which benefits nobody who participates in it and menaces the consumer. It cannot be regulated, it must be abolished. Yet at present the system is spreading rapidly to the smaller cities and towns and is no longer confined to such centers of population as New York, Boston, Philadelphia and Chicago. A larger and larger number of women and children are coming under its evil sway.

CHILD LABOR IN PUBLIC AMUSEMENT

Much of the child labor with which this country is afflicted is not of the spectacular sort—most of it, no doubt. Not so spectacular as that of the plainly visible, but overlooked child in street work, or the hidden child in the tenements. Nevertheless it is tragic as a violation of the rights of children and as a revelation of man's inhumanity and indifference. Any work which children ought not to do—ought not to be allowed to do—is child labor.

Here is an illustration. In a small Western city two brothers, twelve and fourteen years of age and undersized, are employed in a pool and bowling establishment frequented by a class of patrons rough and vulgar in speech and behavior. One of them still has to go to school, but every morning at eight he helps his brother sweep the floor and clean up generally, and after school comes back and works until they both go home at ten. There is an hour off at noon for the older boy and an hour at supper time for both, but if they stay away longer their wages (totaling three dollars a week) are reduced. That, explained the manager, is to keep them from playing. On Saturday they work all day until twelve or one o'clock at night. Their father, on being interviewed, admitted that the work was a little bit strenuous for the lads but he thought they ought to stick to it, saying he wanted them to be men. The law of that state requires school attendance up to the age of sixteen, except in case of legal employment; and the employment of those boys is legal.

Most of child labor, as already said, is not spectacular, but every occupation has its pitiable instances and tragic incidents—as things that happen behind the motion-picture screen. An eight-year old motion-picture actress, in one of her plays, walked barefoot along a thorny path; afterwards, five thorns which could not be pulled out had to be cut from the child's feet. Have you ever wondered how babies and children whom you have seen in the pictures were made to cry at the right time? A movie director tells how he sometimes accomplishes that result with little girls—for instance, by tearing up a precious doll while the camera man rolls the film. Whoever knows anything of modern psychology can imagine the cumulative effect of such emotional experiences. The arms of one little girl whose baby tears have acquired a high market value had been pinched till they were black and blue. A little boy of six was taken down New York harbor on an ocean steamer and thrown overboard to make a good thrill. He was rescued, of course, but there was no provision against the intense shock or the subsequent pneumonia, and the $50 received by the mother hardly reimbursed her for the $150 spent in doctor's bills that winter. In a fire reel a child of twelve, rushing to escape from a burning building, struck her head against a board which was not visible in the intense smoke, fell back stunned, and was not rescued until seriously burned. To make another thrill a girl of ten was set adrift in a row-boat without any oars. The picture shows her rescued by the boy hero of the play but if it were shown without any "cut-outs" the audience would see the child drifting nearer and nearer the edge of a mill dam and the boy almost drowned before he reached her.

Benjamin Weiss, of the University of Southern California, has made a study of 225 of the 1500 children annually employed in the production of motion pictures at Los Angeles. As reported in *The Survey,*[1] his findings are as follows. Although the compulsory education law of California requires a minimum of four hours in school each day for children between the ages of eight and sixteen, a special tutor may be substituted for this class-room work. Thus, when children are employed in the production of motion pictures, at least the letter of the law is complied with by the provision of special tutoring in the studio or a near-by place. Since the Department of Compulsory Education and Child Welfare of the Los Angeles schools furnishes the teachers, it is certain that their attitude will be in some measure pedagogic. However, the teacher is paid by the particular company for which the children are working. The bad effects of this plan are obvious.

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[1] *The Survey,* December 24, 1921. A complete report is contained in the *Journal of Applied Sociology,* December, 1921.

The fact that the child is subject to call at any time while the studio school is in session keeps him in a state of nervous excitement. "An empty lot, a secluded place behind some props, an automobile, or in a few instances a special room is provided for study and class purposes." It is hit-and-miss education.

Mr. Weiss notes two especially objectionable features in the employment of the children which are fundamental to the industry; namely, the nature of the adult environment and the make-believe world in which the child finds himself. "Cities are built only to be torn down. A few boards and the paint brush give the result before the camera of solid masonry." The child becomes sophisticated and blasé. Some statements regarding the effects of their work made by the teachers of these children are illuminating: "Makes her nervous." "It has made her unreasonably mature and sophisticated." "She formed the habit of absence, inattention." "Changed her from a sweet little girl to one rather bold and disorderly." Special privilege in the employment of children by the motion picture industry is decried by the author. He states that the problem created "is not entirely the result of the anti-social conscience of some of the leaders in motion picture production but of a combination of the impersonal attitude of modern business and the apparent need of employing children under questionable circumstances."

CHILDREN ON THE STAGE

The use of children on the stage is nearly always a violation of their childhood, usually means little education or even professional training and experience of any value, and frequently is very detrimental to health by reason partly of late and irregular hours and the hardships of travel. There are occasional instances in which stage children seem to be well taken care of, both from the educational and the health standpoint; but these instances are few. Children on the vaudeville stage, going from theater to theater, city to city, state to state, commonly have no advantages worth speaking of, and almost invariably are incurring not only educational loss, but loss or weakening of health. The moral hazards are not negligible. Laws and ordinances give slight protection to the hundreds of stage children in America, often because in the interpretation and enforcement of the laws the language regulating the labor or employment of children is held not to apply to these little so-called "artists."

F. Zeta Youmans describes a group of ten children booked for a week at a North Side theater in Chicago. They ranged in age from six to sixteen years; only one of them was over fourteen. "They presented a singing and dancing review. The star of the performance was a little girl who had just passed her sixth birthday. None of the other children displayed any talent that would single them out for a stage career. Without exception the dancing and the singing and the dialogue were utterly unfitted for children of any age, although none of it was actually indecent. At least four of the children were suffering from colds and voice strain. One of these was the six-year-old star who at eleven o'clock at night could barely make herself heard in parts of her act. The use of these children's voices in singing was such that there can be very little hope of their having singing voices by the time they are grown up. The dancing was crude, and without proper technical training. Obviously every child in the group worked physically to the utmost in dancing, in using their childish voices to reach the 1500 people in the theater, and in putting over their stage business. No adult performed in the group. The manager and his wife were the parents of the little six-year-old girl and of the only boy. The other eight girls were traveling without either parent or any other relative. The greatest moment of the little six-year-old's performance was in singing a song that we made out with great difficulty to be, 'I ain't nobody's sweetie and I don't give a God-gosh-darn.' So far as the education of this group was concerned it was apparent that this baby, at the end of her first year in vaudeville, had acquired an amazing technique with which she evoked roars of laughter and great applause. The other nine members of the company were an indifferent background to her."

Alice Curtice-Moyer Wing, state industrial inspector, writes from Missouri: "In spite of the fact that our state law prohibits the employment of children under sixteen in concert halls and other places of amusement, two years ago professional children within the state and from all over the country flocked to the Missouri theaters. In May of last year a letter sent out to the booking agencies over the country quoted the law on the subject and warned them against the appearance of professional children in Missouri. Since September, 1922, the date specified as the beginning of strict enforcement of the law, only three violations of this class have been reported in the entire state. As to the merits of this section of the law, people do not entirely agree, but to judge from a number of personal investigations made before undertaking a strict enforcement of it, we are undoubtedly rendering a real service to the children. Probably nine-tenths of stage children grow up into stage failures—and their stage training has not fitted them for anything else."

CRIMES IN THE NAME OF CHARITY

There is a form of child labor, which, while not always urban or industrial, may be appropriately mentioned here, since the children involved are usually city children in the care of welfare agencies or institutions. The Philadelphia and Delaware papers not long ago published startling stories relating to small children bound out to farmers in lower Delaware under an old apprenticeship law which has not yet been repealed. The truth is that the exploitation came about not so much through this anachronistic law, although it did play a part in this particular instance, as through improper methods of placing-out dependent children on the part of welfare agencies, mostly located outside the state. Nearly three hundred children placed-out in homes by eleven different agencies were studied. The agencies varied widely, of course, in their methods of placing-out, but in many cases there was neither sufficient investigation of the child's own family before he was removed from it, nor careful enough study of the family in which he was placed. There was almost no follow-up supervision of the children. Twenty-three per cent of the children were said to be mentally defective or sub-normal, and many of them were retarded in school. No complete retardation figures are given, but it is stated in the report that school attendance is very irregular among these children, chiefly because they are placed-out on the understanding that they are to help in farmwork.

At a National Probation Conference recently a Southern man, a probation officer in a juvenile court, told of his experience in inspecting a training school for boys. He went to the place because his juvenile court, which had been accustomed to commit boys to this institution in the hope of curing them of truancy, discovered that when boys were discharged they came home harder to keep in school than when they went. And he discovered that in this training school there was no school at all. There was a farm, a fine farm, on which, he said, they raised "cows, pigs and chickens, corn and a few children," and where, to quote him again, "the only culture was agriculture." That situation can be duplicated again and again in state and county institutions, says Miss Mabel Brown Ellis, who has studied institutions and juvenile courts in all parts of the country. It is child labor of the sort which as yet is unregulated by any law except the compulsory education law, and the responsibility of discovering it and making it public rests upon those persons whose duty it is to inspect institutions, among whom are included the official representatives of juvenile courts.

We must face squarely the whole question of child labor in institutions. In a Northern state institution, not long ago, visitors walked into a room full of little girls, six, eight and eleven years old, dependent children every one of them, who were sewing tobacco sacks on contract from 7:45 A M. until 11:45—four hours, in silence, five days a week. Ten or twelve of them had the itch, but with their little hands tied up in clumsy bandages, they were stitching away just the same. They went to school four hours in the afternoon. No one knows how much of that sort of thing is going on in supposedly reputable institutions.

CANNERIES AND COTTON MILLS

Now that the federal child labor tax law has gone out of operation, several hundred children under fourteen years of age, some of them as young as six or even younger, are at work in the oyster and shrimp-canning communities of the Gulf Coast. Most of the cannery work is wet and dirty, and is done in cold, damp, drafty sheds, the oyster shuckers or shrimp pickers standing among the oyster shells or shrimp hulls. The workers are liable to injuries from the sharp oyster shells, shrimp thorns, and work knives, and to constant soreness of the hands from acid in the shrimp. Severe colds are common among the child and women workers; injuries from falls; infections from cuts from the oyster shells; abscesses from cuts, bruises and poisons in picking shrimp. So poisonous is the fluid from the shrimp that many employers, as one of them said, ''give the workers about two days in every week to rest during the shrimp season. They cannot pick steadily.'' So hazardous an occupation is no fit place for young and growing children.

The work of both the children and their parents is subject to all the irregularities of the canning industry, a federal report states. Since the work depends on the catch, it begins any time between 3 and 7 o'clock in the morning, and lasts a few hours, a whole day, or sometimes on into the evening. Of the 544 working children under sixteen years of age included in a study made after the first federal child labor law was declared unconstitutional and just before the second one went into effect, more than three-fifths worked whenever the factories were open. The others worked only occasionally or before and after school and on Saturdays. The majority of the children—334 of the 544 who worked—were under the age of fourteen years, the minimum fixed by both of the federal laws. In order to secure an increased supply of labor which the employers are able to control, the custom of importing families from the North has been carried on each winter for a number of years. These migratory workers are housed in company camps, which usually are insanitary and overcrowded. With no community held responsible for their education, 37 per cent of the white children ten to fifteen years of age in the migratory families studied were illiterate, as compared with 4 per cent for approximately the same age group, both white and colored, for the United States as a whole. Nearly two-thirds of the children of these families at the ages of fourteen and fifteen had not completed the fourth grade. Even among the local children who worked in the canneries retardation in school was serious. Nineteen per cent of the resident white children and 25 per cent of the colored could neither read nor write.

It is gratifying that a rapid return of children under fourteen to the cotton mills of the South has not followed the decision of the Supreme Court declaring the federal child labor tax law unconstitutional. This is due in part to the improvement of state laws and administration, but also in some part to the growing disinclination of managers, for both humanitarian and business reasons, to employ children of such immaturity. There are, however, several hundred children under fourteen in these mills. There are several thousands between fourteen and sixteen years of age, and these are working nine, ten or eleven hours a day —a longer working day than that obtaining generally in other parts of the country. Despite certain improvements in the sanitary condition of the factories the three most objectionable features of this work still hold true. These are: first, the noise; second, the dust and lint in the air; and third, the excessive humidity.

What was stated in a federal report of eight years ago, when the number of children under fourteen in the mills was very large, is true now when the number of children of fourteen and fifteen is very large: "Children are not required to lift heavy weights or to assume strained positions in any occupation. On the other hand, the noise of the machinery is nerve racking, the work in many occupations requires close and constant attention, and in the spinning and weave rooms the air is hot and moist, often to an unnecessary and injurious degree." That the fatigue and the atmospheric conditions obtaining in cotton mills conduce to tuberculosis is not to be doubted. In Southern mills it was found that boys of fifteen and nineteen in cotton mills had a death rate twice as high as that for non-operatives, and for girls of the same age period the rate was even higher. In Massachusetts cotton mills the tuberculosis death rate for boy workers fifteen to nineteen years of age was found to be 160 per thousand in the year period 1905–07; for girls, 223. For non-operatives: boys, 93; girls, 110. In the year period 1908–12, boy operatives had a tuberculosis death rate of 110; non-operatives, 73. Girl operatives, 223; non-operatives, 118.

CHILD LABOR IN COAL MINES

Nor have the health hazards been taken out of the work that children do in the coal mines and collieries, in spite of improvements in working conditions. We have heard much for many years about child labor in the breakers. It is still there, though extremely young boys are not so commonly found. A majority are fourteen or over, but—! Of one district typical of others it has been said: "As the coal is brought out of the mines in cars it is dumped into cylinders, where it is crushed. From the cylinders it is carried down to the railroad cars on 'breaker belts,' and the boys clean the coal by picking out the slate and rock as the coal rushes past them. As it is usually cleaned dry, the dust that rises envelops the breakers and often the town in darkness. In danger of accidents and constantly exposed to obstructive and irritating dust, there is no more forlorn group of child laborers than these breaker boys.''[2]

A recent report of the Federal Children's Bureau deals with child welfare in an anthracite coal-mining district in Pennsylvania. It was found that young boys of twelve to fifteen were working daily underground—sometimes obliged to wade in mud or water, sometimes enveloped in suffocating gas and smoke. There were dangers, of course, from cave-ins and explosions, and from more ordinary causes. Most of the boys working in the district were in the breakers. As one man remarked, ''You begin at the breaker and you end at the breaker, broken yourself.'' ''The men and boys,'' says the report, ''worked in the constant roar which the coal makes as it rushes down the chute, is broken in the crushing machines, or sorted in the shakers. Black coal dust is everywhere, covering the windows and filling the air and the lungs of the workers. The slate is sharp so that the slate pickers often cut or bruise their hands; the coal is carried down the chute in water and this means sore and swollen hands for the pickers. The first few weeks after a boy begins work his fingers bleed almost continuously and are called red tops by the other boys. Slate picking is not itself dangerous; the slate picker is, however, sometimes set at cleaning-up jobs, which require him to clean out shakers, the chute, or other machinery.''[3]

Of the boys between thirteen and sixteen years of age in the district, 57 per cent—896 out of 1564—and of the girls, 29 per cent—453 out of 1572—had left school for work. A total of 519 of the boys had been employed contrary to law, before reaching the age of fourteen years—299 had been employed full time, and 93 per cent of these in or about the mines. Likewise in violation of law, 137 boys not yet sixteen years of age had been employed underground. Of 978 boys from thirteen to sixteen years of age who had been employed in or about the mines, 178 had suffered accidents, including serious injuries in the breakers as well as underground. The girls were employed chiefly in clothing, cigar, and other factories, and in domestic or personal service. Of the children between thirteen and sixteen years of age who had left school 127 had not gone beyond the third grade, 260 more had stopped at the fourth, 321 at the fifth, and 465 at the sixth, leaving less than 32 per cent of those reporting who had continued to a higher grade. Only 146 working children had attended continuation school out of 1220 legally required to do so. While most of the accidents occur in the mines rather than on the surface where the largest number of children are employed, the surface work is also hazardous. It was therefore to be expected that the boys had suffered all kinds of accidents—to the head, to internal organs, to hands, arms, legs, back, hips, shoulders. Forty-two per cent of these accidents kept their victims from work less than two weeks; one boy was incapacitated for a year, 18 for less than a year but more than 10 weeks, while 25 accidents kept the boys from work 6 but less than 10 weeks. According to the reports made to the Children's Bureau no compensation was paid 44 boys who were incapacitated for a period of two weeks or more as the result of injuries received while they were employed in the mines, although the Pennsylvania compensation law entitled them to receive it. Of those who received compensation, 11 boys reported that they were paid in all less than $5; 9 that they received from $5 to $10; 23, from $10 to $25; 12 received between $25 and $50; 4, between $50 and $75; 5, between $75 and $100; while 3 reported that they received $100 or more.

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[2] *Administration of the First Federal Child-labor Law,* Children's Bureau Publication No. 78, 1921, p. 84.

[3] *Child Labor and the Welfare of Children in an Anthracite Coal-Mining District,* United States Children's Bureau Publication No. 106, 1922, page 16.

CHILDREN AND INDUSTRIAL ACCIDENTS

In a Pennsylvania laundry not long ago a girl of fifteen was literally scalped when her hair caught in a quilling machine. She was whirled about by the shaft five times, and her hair and scalp were torn raggedly from the skull. From two to three times as many children as adults in proportion to the number employed are killed or injured in industry. The Federal Report on Women and Child Wage-Earners in the United States, published in 1910, stated that although children in the cotton mills were generally employed in less hazardous occupations and were not required to handle very dangerous machines, the accident rate in the Southern cotton mills was 48 per cent higher for persons fourteen and fifteen years of age than for those sixteen years and over. For children of this age working among shafts, belts and gears, the rate was 133 per cent higher than for the older group, and in gear accidents three and one-third times as high. Although under the impetus of workmen's compensation laws gigantic efforts have been made in the whole country during the past decade to reduce industrial hazards, this ratio still holds general for factory and mine employment.

A recent study made in a textile mill in Connecticut by students in a course in statistics at Mount Holyoke College, under the direction of Miss Amy Hewes, showed that 1221 accidents had occurred during 1920. Of these 1164 were to workers whose ages were known. Three hundred and one—over one-fourth—had been suffered by employees under twenty years of age, although this age group includes only 15 per cent of the total number employed. The number of accidents per 100 employees was 37.1 for workers under fifteen years, and 42.9 for those between fifteen and twenty years. For all others, however, the average was only 21.6.

In the state of Massachusetts the number of children under sixteen who are victims of industrial accident is very great. In the year 1916–17, 1416 accidents to children of this age were reported, seven of which were fatal. The following year this increased to 1730 with five fatalities. In 1919–20 the number was 1691, ten being fatal. According to a recent study in Boston, nearly one child out of every twelve attending the continuation schools had suffered some accident, either in the course of his work or otherwise since taking his first regular position; 60 per cent of these accidents had occurred while the children were at work—in other words, one child in every twenty of those enrolled in continuation schools had been injured as a direct result of his employment. In Pennsylvania, during four years, 4663 industrial accidents to minors under sixteen years of age occurred, of which ten were fatal. Although the Pennsylvania law prohibits the employment of minors under eighteen years of age in extra-hazardous occupations, there were 59 fatal accidents to children of sixteen and seventeen years during this period. In Kentucky, during the year 1917–18, 213 children sixteen years, 30 children fifteen years, 10 children fourteen years and 2 children thirteen years of age actually received compensation for injury. The State Industrial Board of Indiana reports 993 accidents to children sixteen years and under, during the year 1919–20.

Such reports have a twofold significance. The fact that so large a number of children are injured is in itself serious and emphasizes the necessity for proper vocational guidance for children before entering industry and for greater supervision of children while at work. Even more significant, however, is the fact that in spite of safety devices and safety campaigns, the high percentage of injuries sustained by boys and girls as compared with older workers continues. Children are surrounded with as great if not greater safeguards. On the whole they are employed in less hazardous occupations. Yet accidents are common. It suggests that there is something inherent in adolescence which makes boys and girls more prone to accident than adults. This is the "awkward stage" of growth and development, when the finer movements and coordinations cannot well be accomplished. Besides this adolescent awkwardness and lack of muscular control, we must count among the causes of industrial accidents to young workers, the general irresponsibility and carelessness of childhood and youth, together with the strong impulses of play.

A cruel accident to a little girl employed in a bread factory in Wyoming was one of the principal factors in bringing about a raising of child-labor standards in that State at the last session of the legislature. The story illustrates the fact that it is often necessary for some one to be sacrificed, or many, before the public comes to a realization of the existence of a great danger. After the horse is stolen the barn is locked. Wyoming was very backward in child-labor legislation until this year. The genesis of the recent progressive legislation lay partly in the accident to which we have referred. It was the duty of a nine-year-old girl to feed a roller with pieces of dough, her hours varying from 6 to 10 a day. For her work in the factory she received ten cents a day, plus all the cookies and cake frosting she wished. But in addition, she received a frightful mutilation, when her hand was caught in the wringer. She paid—as others had paid in divers ways—the debt that Wyoming owed to all its boys and girls.

A report recently prepared by the Division of Women in Industry, Department of Labor, State of New York, tells of 1983 children under eighteen who, during the year from July, 1919, to July, 1920, were injured seriously enough to disable them for two weeks or more; ten boys died as a result of their injuries. The report is limited to accidents for which compensation was allowed under the workmen's compensation law—those where the disability lasted for two weeks or more, in occupations covered by the law. Nearly 250,000 children under eighteen are gainfully employed in New York State: 135,277 boys and 113,178 girls. By no means all of them are covered by the compensation law; the 22,091 employed in agriculture and domestic service are exempt, also office boys and girls in certain industries, messengers, and errand boys and girls. ''It is significant of the steps New York State has already taken in accident prevention to the fourteen-sixteen year group that only 8.5 per cent of the accidents occurred to children under sixteen. This means that more than nine out of every ten accidents were suffered by minors between sixteen and eighteen years of age. The proportion of sixteen- and seventeen-year old children who work, to those under sixteen, is nothing like so high. Nine children under fourteen had accident cases, which were compensated on the ground that although the child was too young to be employed legally, the fact of his employment gave him a right to compensation. Eight of these nine children were boys and one was a thirteen-year old girl. Of the boys four were thirteen years old and three were twelve years old.''[4] Sixty-seven of the 155 accidents to children under sixteen years of age were machine accidents of one sort or another. Six hundred and eleven of the total number of accidents were in occupations forbidden by the child-labor law to children under sixteen. Three hundred and seven of these occurred on metal cutting or stamping machinery. The report suggests a revision of the lists of occupations and processes proscribed as especially dangerous, with a raising of the age limits in certain cases.

INDUSTRIAL INSTABILITY OF WORKING CHILDREN

One of the most serious costs of child labor is the enormous child-labor turnover—a result, partly, of habits of failure acquired in the school, and itself productive of habits of failure to be carried over into adulthood. It represents often a story of disappointment and disillusionment, with no counsel to help its victim withstand the shock, or assistance to make a change for the better. Whatever the reasons—lack of training, lack of guidance, seasonality of occupations, monotony of work, excessively hard work, adolescent restlessness—one-fourth to one-half of all the boys and girls in certain cities who are under sixteen but have left school and gone to work are unemployed at any given time. They are idle between jobs and learning habits of idleness. Child idleness is an indictment of child labor, and not, as some people suppose, an argument for it. A child is not learning a trade or even habits of industry while he is shifting about from one job to another.

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[4] *Children's Work Accidents,* Special Bulletin, No. 116, January, 1923, State of New York, Department of Labor.

A study of the work histories of 7147 Connecticut boys and girls who had received their employment papers between their fourteenth and sixteenth birthdays shows that they held 14,826 different positions before they were sixteen. One child had held fifteen positions; and two, thirteen positions each. Twenty-one children had each held ten or more positions. Nine hundred and sixty-five had each held four or more positions. Of the children with a work history of at least 21 months, 33.8 per cent had held only one position, 25.4 per cent two positions, 17.7 per cent three positions, and 23.1, or nearly one-fourth, four or more positions. It is to be noted that the records studied did not in any case cover more than a two years' period, so the figures indicate a great deal of shifting about from job to job after going to work. Boys shifted more than girls; this may be explained by a less amount of ambition among the girls, many of whom probably did not expect to remain in the industrial world; by the difference in mental attitude characterizing the sexes at this period of life; and partly, no doubt, by the smaller variety of occupations open to girls than to boys. Then, too, the girls were somewhat older, on the average, when they left school. The study showed that industrial instability, as measured by the monthly rate of unemployment, was greater for children who had left school at fourteen than for those who had left at fifteen. This may be accounted for in several ways: by greater maturity, for instance, or greater ability by reason of more schooling to satisfy employers. The rate of unemployment, as well as the frequency of shifting from job to job, decreased with increase in the length of the work history—that is, with the children's experience—as well as with increase in chronological age. Nearly half of the children, before reaching the sixteenth birthday, had periods of unemployment lasting a week or more. Children quitting work began new jobs immediately or in less than a week in approximately 37 per cent of the cases; in the remaining cases—63 per cent—a period of unemployment intervened, its average duration being two months and a half. (Unemployment, for the purposes of the study, was defined as lasting one week or more.) Over 55 per cent of the cases of unemployment lasted a month or more; nearly 37 per cent lasted two months or more.

Unemployment among working children is a serious matter in relation to the enforcement of compulsory school laws, and even more so in connection with the formation of the children's industrial habits. Few states have adequate machinery and effective methods for keeping track of unemployed children and obliging them to attend school while unemployed. As Dr. Robert Morse Woodbury says: "Unemployment among heads of families means, for the most part, cessation of the family income; unemployment among children does not usually have such an implication. The amounts received by children are usually not of vital importance in meeting the needs of the family. The evils attending long-continued unemployment among children lie in the greater danger they run of establishing bad habits, and in the utter waste of time which should be used to increase in some way the child's preparation for adult life. Children not at work and not in school are neither earning anything to justify their withdrawal from school, nor are they getting any training whether from school or from industry. They may be half-heartedly searching for work, or they may be merely idle, and acquiring a distaste for work as well as for school. Childhood is regarded by the State as a period of training; periods of unemployment, when the child is neither at work nor at school, represent so much of this training time wasted.''[5]

How much of the industrial instability of child laborers is due to their own instability—adolescent restlessness, craving for something new, possibly the migratory instinct? How much to vocational ignorance—ignorance of conditions and opportunities, with ignorance of their own capacities and tastes? How much to lack of guidance and supervision?

The changes which child laborers make, their abandonment of one job and seeking of another, are frequently justifiable as changes. The abandoned job was too hard, it was not interesting, it led nowhere. But the frequent changing leads nowhere, or not where it ought to lead, or leads too slowly. The rate of overturn diminishes as the child laborer grows older, but that greater stability often means that he has merely settled down to a humdrum job in a low-grade industry, whereas, with proper opportunities, he might have prepared for work more fitting for talents which he never discovered. Society cannot afford to leave to the chances of such vocational experience as industry affords to children fourteen and fifteen years old the vocational futures of boys and girls. This problem is to be met, some say, by excluding all children under sixteen from gainful employment—so often is it not truly gainful, but quite the reverse; others think that the wiser course is the development and perfection of vocational training, guidance, and placement, and employment supervision, all under educational auspices—under control of the school.[6] Such a system, well administered, might not only greatly reduce the frequency of shifting from job to job in the age period under consideration, but also greatly reduce the number of children at work, for lack of suitable jobs into which to guide them. At any rate, school is the better place for the majority of these young workers as industrial conditions stand to-day and will stand for many years to come; the school might be made a still better place than it is now, and for that matter, so might industry. School and industry might come much closer than they are at present, but always the responsibility for the child's proper initiation into vocational life should rest with the former. The affiliation should be on the school's own terms.

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[5] *Industrial Instability of Child Workers.*

[6] The two policies are not necessarily inconsistent. Both may be worked for at the same time, and they can operate together. See later discussion in this chapter.

Industrial depression like that which resulted in widespread unemployment among adult workers in 1921-22 reduces the number of children at work, but also causes children who would not otherwise do so to leave school and seek jobs. Often they can find some kind of employment, even when their fathers and mothers cannot, and thus they are able to make a meager contribution to the family income. Child labor, as a means of meeting the problem of adult unemployment, is a poor method from the standpoint of the child and of society. Socially it would be far better to take all children out of the labor market, where at any time they compete more or less with their elders. It is partly because of the effect of child labor on adult employment and wages that the American Federation of Labor opposes the employment of children under sixteen and favors legislation in accordance with this policy, which is also evident in its apprenticeship standards. There is another relation of child labor to adult unemployment. The first group of workers to feel the effects of a period of industrial depression are usually the untrained and unskilled, the shifting and shiftless—those graduates of child labor who in adulthood are the last to be hired and the first to be fired.

VOCATIONAL COSTS OF CHILD LABOR

The vocational prospects of children who leave school early and go to work are not good. Professor Paul H. Douglas of the University of Chicago brings out in a paragraph the sum and substance of scores of studies and investigations: "For the average child of from fourteen to sixteen, school life is over and industrial life has begun. Whatever his reason for leaving school, whether poverty or apathy towards the school itself, he has little idea what particular trade he wishes to follow. He does not know which occupations want boys nor which will afford him a future. He takes the first job that he finds, an unskilled job; works for some time, perhaps a few weeks or a few months; finds that there is no opportunity to learn the trade, that the pay involved does not loom as large as it did at first; he is tired by the monotony of the task, and quits. He runs about the streets and casually looks for another position. After a while he finds it. It is another unskilled job. He works a short time at this task, and then leaves it as he did the first, and so he drifts from job to job, from industry to industry, still unskilled, and exposed to all the social and industrial evils which threaten adolescence. Once grown, he is crowded out of his job forever by another younger crop of workers, and finds himself one of the class of the permanently unskilled, with the attendant low wages and unemployment of his class. He had nothing to sell but his youth; he sold it, and received nothing in return."[7]

This is the tragedy of child labor, as truly as the suffering and hardship imposed by cruel task-masters.

Of 908 children applying for work certificates in Philadelphia in the early part of 1920, according to Dorothea de Schweinitz, 308 said they had no plans at all. Many of the others suggested that they would like to be stenographers or electrical engineers—having left school at the close of the sixth or the seventh grade. A survey of 1186 children between the ages of sixteen and eighteen applying for employment at the State Employment Bureau in Buffalo, shows that 92.5 per cent were without occupational training of any kind. According to the findings of an official inquiry in Massachusetts, 98 per cent of the children in that state who begin work at fourteen or fifteen are employed in unskilled or low-grade skilled industries. It was found in this same inquiry that in the textile industry "two years may and four years will bring the average maximum wage." A Chicago investigation disclosed that, of 560 boys and girls between fourteen and seventeen at work, only 35, or less than 7 per cent, were in skilled occupations where they received any training. In Philadelphia a study, not yet completed, of a large number of firms employing children between the ages of fourteen and sixteen is beginning to show that many of the positions for these children do not require even the sixth grade of schooling which they have had.

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[7] Paul H. Douglas, *American Apprenticeship and Industrial Education*, p. 85.

WORKING CHILDREN IN BOSTON

In greater or less degree all these elements of cost in early school-leaving and going-to-work are present among the working children of every urban community. What the Federal Children's Bureau found to be true in Boston is substantially true in other cities. Its findings may be very briefly summarized. The working children who had left school under sixteen had not as a rule received an education of the sort to make them adaptable to changing industrial conditions or to give them an understanding of the duties of citizenship. Of 3399 children who had entered full-time employment—all of whom were at least fourteen and a large proportion fifteen years of age—50.4 per cent had not completed the eighth grade before entering industry.

Advancement in school work seems to have exercised a favorable influence over even the children's first earnings in regular positions, and the advantage of those who had completed normal or higher than normal grades for their ages was still more definite in regard to wage increases, steadiness of employment, and earnings over an extended period of time. The study dealt with conditions which attended the entrance into working life of all children in

Boston, Cambridge, Somerville, and Chelsea, Mass., who passed their fourteenth birthday in a given year and who entered employment within two years thereafter—a total of 5692 or approximately one-third of the children of their ages in these cities. Information concerning subsequent working histories was secured for a number of these children about three years later, and the advantage of those who had completed higher grades in school appeared at this time to have grown more pronounced, and suggests, the report says, "that even the small amount of education which the eighth-grade graduate could boast over the sixth-grade graduate was a real industrial asset."

The children interviewed who had started work at least a year before the interview took place had been unemployed 14.4 per cent of the time since they had started work, and many of them had spent long periods out of school before entering employment. Of 823 children interviewed 33 per cent had held new positions on an average once every three to six months, and another 8 per cent still more frequently. The occupations in which children between fourteen and sixteen years of age can be employed are restricted by their lack of physical strength and lack of education, and to a certain extent by law. Most of the positions held by the children studied involved simple mechanical tasks or running errands or carrying articles, and in the vast majority of cases, the report states, were not of such a character as to offer a future in themselves or a training for any occupation by which the child could hope to earn a living as an adult. The children were also being subjected to positive damage "from irregular habits of work, from labor unadapted to their needs and capacities, and from unsuitable associations and environments."

These years between fourteen and sixteen, these vocationally wasted years, these years of subjection to the physical and moral hazards of industrial life, these years of peculiar susceptibility to fatigue and temptation, are quite as important from the child-labor standpoint as the years under fourteen. We have not done our whole duty when we exclude from industry children under fourteen and keep them in school—and not yet has even that been accomplished. We must concern ourselves with the welfare of older boys and girls. It may not be necessary, or best, to exclude them all from every occupation; but the imperative duty confronts us of changing the conditions of their going to work and the conditions which follow. In or out of school there is pressing need for the study and application of methods of training adolescent boys and girls which shall make the most of whatever capacity each may possess and for safeguarding them so far as possible from the dangers inherent in the physiological and psychological disruptions and susceptibilities of adolescence itself.

TYPICAL CONDITIONS IN TOLEDO

Of significant interest is a study of children who leave school for work made jointly by the committee on Women and Children in Industry of the Toledo Woman's Committee of the Council for National Defense and the Toledo Consumers' League. This report was based on an intensive study of 329 children out of a total of 3227 who received work permits between 1915 and 1917. Among the striking facts regarding working children brought out are the following: 92 per cent were retarded in school (38 per cent for more than three years); financial need and indifference are the most frequent causes for school leaving, each being responsible for about 50 per cent; most of the children have held more than one job since leaving school, the average number being about 3; 50 per cent of the jobs held during this period had been held for six months or less and only about 25 per cent had been held for over a year; there is no relationship whatever between the different jobs held by the same individual; the reason for leaving a job is usually better immediate wages, no regard being given to the possibility of advancement; wages are low and usually stay low. These and other facts led to the following conclusions, which are more or less applicable to scores of cities throughout the country:

1. These children left school with less industrial or academic training than they could have absorbed, and for reasons that are not insurmountable.
2. They entered industry without special training or guidance and started at a wage noticeably low.
3. Having entered industry they drifted from job to job without guidance and without any complete record being kept.

The recommendations of this report are specific. First in importance is the establishment of a Vocational Guidance Bureau which should include the following features: a child study laboratory, a vocational advisement department, a placement bureau, a work permit department, an attendance department, a statistical division, and a visiting teachers' staff. Other recommendations include a course in Civics which will acquaint the child before leaving school with social studies; state aid for children who otherwise would be obliged to leave school because of economic pressure; industrial training in the schools; an effort to make both parents and children realize the importance of education; the extension of the upper age limit of the compulsory education law to eighteen years, in order that boys and girls under that age, unless employed, may be in school.

VOCATIONAL GUIDANCE AND SUPERVISION

The plight of working children under sixteen can be mitigated by vocational guidance, continuation schooling, and employment supervision. Whether a system of guidance and supervision, highly developed and in universal operation, would obviate the necessity of excluding (by prohibitory law) all children under sixteen from industrial occupations is another question. Its own operation, with due regard to the educational and health needs of children, might have practically the same effect.

A distinguished committee of physicians and hygienists, appointed by the United States Children's Bureau, recently reported as follows: "The minimum age for the entrance of children into industry should be not younger than sixteen years. Since it is recognized that the physiological and psychological readjustments incident to pubescence (which in the vast majority of cases are not completed until the sixteenth year) determine a period of general instability which makes great and special demands upon the vitality of the child, it is of paramount importance that he should be protected during this period from the physical and nervous strain which entrance into industry inevitably entails. The committee recognizes the fact that pubescence may occur early or may be greatly delayed, and is convinced that the longer it is delayed the stronger is the indication of a physical stage during which it is highly inappropriate to subject the child to the strains of industry." The committee further says: "No child between the ages of sixteen and eighteen should be permitted to go to work who is not of normal development for his age, of sound health, and physically fit for the work at which he is to be employed."

The majority of industrial child workers under sixteen are fourteen and fifteen years old. Children of this age are still growing, and confinement for eight hours a day, often without fresh air and sufficient exercise, is detrimental to their metabolism. Monotonous, repetitive tasks, which use one set of muscles to the exclusion of others, cause unsymmetrical development which may or may not result in deformities involving the whole body. The child at this age has not even a complete skeleton; he is limber, but easily deformed. The ductless glands are especially active now, and derangements of their functioning profoundly affect growth and the nervous system. Adolescence, with its lack of good muscular control (what we call adolescent awkwardness), is largely responsible for the exceptionally high rate of industrial accident among working children. With its restlessness and fluctuation of interests, it contributes to the enormous child-labor turnover

—the astonishing frequency of change from job to job, with dangerous idleness between jobs. Adolescence in itself is conducive to juvenile delinquency and child labor is an additional factor.[8]

Something can be done to minimize these evils by proper vocational guidance. On the subject of health, Dr. D. L. Edsall, dean of the Harvard Medical School, has said: "The fact that a very great many children are injured by occupation is shown for example by such figures as those of Teleky, who studied children in Vienna. The figures showed that in the fourteenth year out of 100 children there occurred on the average 22 illnesses in the course of the year that put them to bed. They went to work at fourteen. The next year those illnesses were practically doubled, up to 41, and they stayed around 39, 40, and 41 for the following three years. So that in the early years of their being at work, evidently work in some way practically doubled the morbidity of childhood. This was undoubtedly due to various causes—to the fact that the great majority of these children went to work too early; that in all probability they went to work at tasks that were too hard for them; and to other similar factors. But I have no doubt that a large factor in the increase of morbidity was that a great many of these children entered upon work they ought not to have undertaken when they could properly have been put to work at other things."

The scarcity of suitable jobs for children under sixteen has already been mentioned. Many educators believe that there are none. Similar expressions are sometimes heard from persons experienced in vocational guidance. A job in which a child is placed should not be injurious to his health; not only that, but it should lead somewhere else than up a blind alley. It should possess some educational value in itself. No wonder such jobs are hard to find;

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[8] Pre-adolescent children are physically and mentally more stable, less susceptible to fatigue and overstrain, less subject to accident and disease, than the children a little older—those, generally speaking, who have been left out of our child-labor laws.

no wonder that the jobs children do find, especially those that they find by themselves, are not often jobs that meet all desirable health and educational requirements.

Regardless of whether full-time schooling be required up to fourteen, or fifteen, or sixteen, the school should keep hold of children for a longer period, either in the regular schools or in continuation schools. Continuation schools, of which we shall write further in a subsequent chapter, afford opportunity for both health and educational supervision. They have not yet been generally established, and where they have been established have by no means realized their possibilities. They should serve to continue the health work of the schools, the educational work of the schools, and the work of vocational guidance and placement. Working children attending these schools should have physical examinations and medical oversight, should be getting civic and vocational training of a high order, and should be counseled and helped to change their jobs when maladjustments occur. The training given in continuation schools is too often totally unrelated to the work the children are doing in industry. Too often the work they are doing does not lend itself to vocational training —it calls for no training, it is simple routine.

Nevertheless, the continuation schools furnish a prospective opportunity for the educationalizing of jobs and opening up blind alleys. John M. Brewer writes as follows of the proposal to organize industry so that every job for the young worker shall lead to a better one: "This plan involves employment supervision of a highly developed sort, besides a re-casting of the plan of operation of many establishments, and a new form of cooperation between different forms of businesses. Thus the errand boy in a publishing house, if unqualified by potential ability to prepare for a position in the publishing business, must be directed perhaps into learning a trade so that he may be equipped to enter a shop at the age of eighteen or twenty. We are aware of the difficulties involved in such a plan —the adjustments of wages, time, schedule of work in the establishment of present employment and in the school, problems of advice and guidance, and the possible changes of plans during any period of the process. Yet the principle involved here is exactly that of the continuation school, and the continuation school, heralded at first as a fad and an impossibility, has won its way to the approval of all concerned. Part-time schooling has arrived; there remains only the problem of widening the opportunity it offers and of applying it to more workers.''

We are still a very long way from a comprehensive and universally established system of vocational guidance and employment supervision. Even if we had it, we should still have to take account of the education that the schools could furnish children attending on full time up to at least the age of sixteen. Of continuation schools, a part of such a system, John Dewey says that so far as children under sixteen are concerned, ''they are valuable and important, but only as palliatives and makeshifts; they deal with conditions that ought not to exist. Children should not leave school at fourteen, but should stay in school until they are sixteen or eighteen, and be helped to an intelligent use of their energies and to the proper choice of work.'' The schools should more effectively train bodies and educate for health, both physical and mental, and for leisure as well as for work; there is enough for the schools to do to keep teachers and pupils alike busy on full time during an attendance period much longer than that of most children to-day.

Vocational guidance, continuation schools, and so on, for children under sixteen, are perhaps something more than palliatives and makeshifts. They are valuable and important services to children either under or over sixteen. Though the writer believes that a sixteen-year age minimum for school leaving and going to work should be and eventually will be established in all the states, and should be worked for at the present time, he believes that the services mentioned should be established everywhere as rapidly as possible, whether the legal age minimum be sixteen or below it, or above it. They are worth while on their own account, at whatever age full-time schooling may be permitted to end. It seems probable that experience in their administration, with the definite data which that experience can be made to yield, will help to demonstrate the validity of a sixteen-year minimum for school-leaving and going-to-work. While these services, with regard to children under sixteen, are mitigating "a situation that ought not to exist," they will also function as agencies of social research—to a much greater extent, let us hope, than is commonly the case now. The research work of the Vocation Bureau in the Cincinnati Public Schools is one of its chief claims to distinction. Especially is it developing our knowledge of the psychological aspects of child labor.

While it is true, to-day, that good educational and vocational guidance will sometimes guide a child out of school and into work, this fact does not argue for a reduction of age standards for leaving school and entering employment or against a raising of existing standards. The time may come when the schools will be the best place for all children under at least the age of sixteen, and when continuance in school will not depend in any instance on the economic situation of the family.

The most fruitful approach to the child-labor problem is undoubtedly the school and educational approach. The strongest argument for child-labor reform, at least the one of most nearly universal application, is the argument based on the educational needs of children and youth—and of the times. It is easy, however, to over-emphasize the importance of what we usually call vocational education. The enormous child-labor turnover to which we have referred is not so much due to lack of special training as to adolescent psychology and the nature of the jobs available. The needed education for adulthood is by no means exclusively an education for jobs or vocations. The increasing use of automatic and semi-automatic machinery increases the number of routine jobs; and just as it has resulted in the decline of the old apprenticeship, so now it renders industrial or vocational training less and less necessary for a larger and larger proportion of people. The great mass of future industrial workers need training for use of the leisure which, in adulthood, will be, both quantitatively and qualitatively, the most important part of life. With the progressive automatization of industry, of work, and of men as workers, and the shortening of the hours of labor, education for leisure is coming to mean, more and more, the real preparation for life or—shall we say?—preparation for the real life. It is significant for society as well as the individual. The need of education for leisure is a compelling reason not only for keeping children in school but for making the schools more adequately serve that need.

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CHAPTER IV

CHILD LABOR AND THE SCHOOLS

In the preceding pages of this book we have constantly held to the assumption that the antithesis of child labor is education. We have noted the effects of child labor on school attendance. We have regarded the prevention of premature school withdrawal as a critical task of child-labor reform. We have said that work which is really educational is children's work rather than child labor, though, as a matter of sound policy, it should be carried on under educational auspices and control. We have emphasized the function of the school in preparing children for the working life, whenever it may begin, and for giving vocational guidance. We have included health matters in the educational and vocational services which the school should perform. As Mrs. Marietta Johnson has said: "No child can grow round-shouldered, nervous, anemic, near-sighted or egotistical in getting an education. If these conditions result he is not being educated"—or vocationally trained. More than we commonly realize child labor is a problem of the schools.

If the record of a century be taken, says William L. Chenery, in a passage in which he shows how manufacturers entered the worker's home and took his young children out and made them labor for his enrichment, without thought of their future, "industry has lightened rather than added to the burdens of children. Childhood is more free and happier than it was a century ago. The rise of industry has been co-incident with the development of humanitarian sentiment and effort, and while manufacturers in their day and generation have sought to retain children in bondage, it is still true that mechanical industry has supplied the wealth which has really liberated childhood. The period during which industry has developed has taken work away from children—save in agriculture and in a few other branches—and it has established universal education. The child of the worker to-day has in these respects a very much better chance than the child born a century ago.''

Great progress has been made in child-labor reform and the extension of educational opportunity; if we do not overestimate that progress, sometimes we underestimate the magnitude of the task remaining before us. However, the direction in which we are successfully moving is just as important, perhaps, as how far we have already gone. An encouraging word is that of Charles W. Eliot, former president of Harvard University, who says: ''Of all inspiriting and moralizing agencies in American society today, the public school alone has gained in influence and increased in strength since the Civil War. Legislation has declined in efficiency, the courts are less respected, the church has been left behind, and education—public education—alone has retained its hold on democracy and is becoming more and more effective as the years go by.''

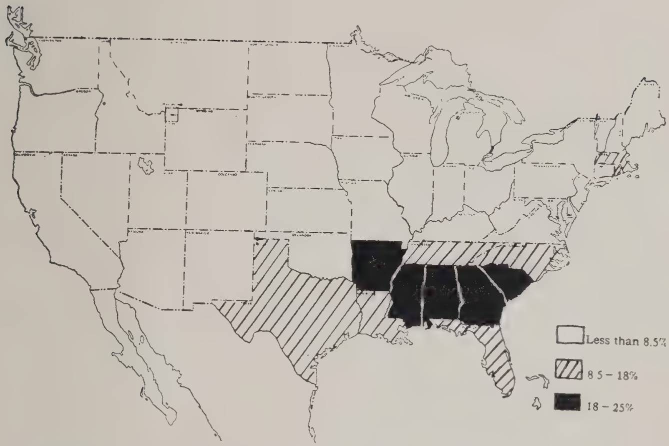
UNIVERSAL EDUCATION NOT ACHIEVED

The democratization of education, however, has still far to go—''universal education,'' as we call it, has not been achieved, in spite of our school-attendance and child-labor laws in every State in the Union. Let us look at the Census figures for 1920. Of the 19,161,319 children seven to fifteen years of age reported, 2,259,312 (11.8 per cent) are not attending school. The percentage for the seven to thirteen year group is 9.68 and for the fourteen to fifteen year group 20.03. The state with the highest percentage of attendance of the seven to thirteen year group is Massachusetts and of the fourteen to fifteen year group, Utah. Those with the lowest percentage are Kentucky and Rhode

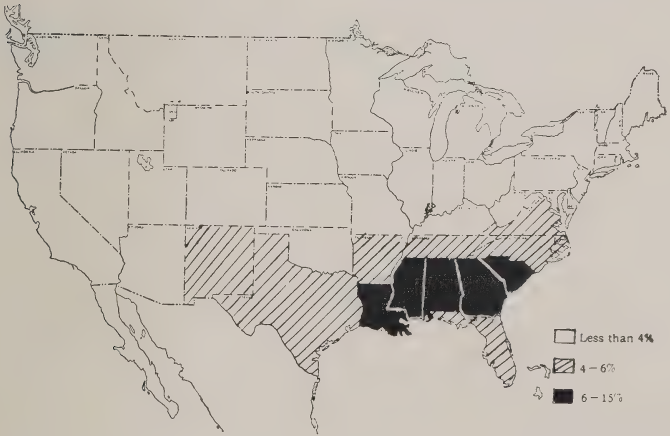
Island, respectively. It must be borne in mind that the Census inquiry as to school attendance was merely as to whether the person enumerated had attended school, college or any kind of educational institution at any time between September 1, 1919, and the census date, January 1, 1920. This would include children who had enrolled but had dropped out in the three-month period between September and January, and would likewise include children who, according to the usual definition, had "left school," but who were in attendance at part-time classes, evening school, etc.

In 1918 nearly 5,000,000 children from six to eighteen in the United States were not enrolled in any school, public, private, or parochial—one-sixth of the total number! The average enrolled child goes to school only three-fourths of the time that the schools are in session, and more than half of our adult population never went beyond the sixth grade. In one state it was found that 10,895 children who should have enrolled in school failed to do so. In another a rural school inspector reported that 1700 children did not attend a day during the previous year. "So many of them stay out in the fall and spring to work in the beet fields," he said. According to a report of the Philadelphia Bureau of Compulsory Education, approximately 1044 school children of that city were absent during September and October last year, working in the cranberry bogs of New Jersey. One state reports that it costs $40,000 a year to re-teach children who fail in the grades because they did not attend school regularly.

There is one aspect of compulsory school attendance that we seldom think of. In one state it was estimated a few years ago that if all the children who should have been in school were returned, 40 per cent of them would have to stand. In many cities seating facilities are so inadequate that thousands of children are allowed to attend school only a part of each day or week. In a mountain township in the Southern Appalachians, the Federal Children's Bureau reported, "A number of homes have no school


Less than 8.5%
8.5 – 18%
18 – 25%

Twelve States employing the most Child Laborers between the ages of 10 and 15 (U. S. Census, 1920)


Less than 4%
4 – 6%
6 – 15%

Twelve States having the most Child Illiterates between the ages of 10 and 15 (U. S. Census, 1920)

CHILD LABOR AND ILLITERACY

(Courtesy of National Child Labor Committee.)

within a reasonable distance; one-third of the families visited are two miles or more from the school; in 39 families children of school age are not compelled to attend at all, since there is no school within 2½ miles of their home, which is the greatest distance they can be compelled by law to travel. An unusually bright, alert eleven-year-old boy has only 11 months' schooling to his credit; he wants to be in school, but the family lives on a remote mountain top and the 6-mile round trip to the school would be too much for him. The mother of a nine-year-old 'teaches him at home.' 'He's so young and it's so far to walk, and school is confining on a young one,' she says. At the home of a family of 'renters' living 3½ miles from the schoolhouse, the father is distressed because his three children—aged ten, twelve, and fourteen—are having no schooling; it is impossible for them to go such a distance, especially since they have to travel a steep trail straight up the mountain. He has been hoping for a school nearer in order that the children may attend regularly. 'There wouldn't be any day so cold but that we could wrap them up and send them, then,' said he. The children's mother thinks 'it looks like a renter's children ought to have a chance as well as anybody's.' One of the schools attended by the children visited is badly located on the summit of one of the highest mountains in the whole system. A strong, robust adult would find the long climb up the mountainside a trying ordeal. For little children it is almost impossible, and irregular attendance is the result." Lack of schools to go to, however, is responsible in only a comparatively small degree for the lamentable conditions of school attendance in this country, but the lack of schools and adequate seating facilities, together with poor attendance where these conditions do not exist, shows that we are not so much in earnest about universal education as we think we are.

ILLITERACY AND NEAR-ILLITERACY

One penalty that we pay is the great amount of illiteracy and near-illiteracy in this country. According to the 1920 census we have 4,931,905 illiterates over ten years of age in the United States, a better showing than we made in 1910 with 5,516,163. This represents a drop in the percentage of illiteracy in our population over ten years of age from 7.7 to 6.0 and an average annual decrease of 58,426. But according to the latest available figures for illiteracy in European countries, we have a larger percentage than Germany with .2; Switzerland, .5; the Netherlands, .6; Finland, .9; Norway, 1.0; Sweden, 1.0; Scotland, 3.5; France, 4.9; England, 5.8.

The Southern States show the most notable reduction in illiteracy, due largely to the great improvement in their school- and child-labor laws during the last decade. Georgia, for example, has 328,838 illiterates, but the percentage of illiteracy is 15.3 as compared with 20.7 in 1910. Alabama has reduced its illiteracy from 22.9 per cent in 1910 to 16.1 per cent in 1920; Louisiana from 29.0 to 21.9; Mississippi from 22.4 to 17.1; South Carolina from 25.7 to 18.1 and North Carolina from 18.5 to 13.1. But while this section of the country has progressed, other sections have not been so successful. The 1920 Census lists 35.8 per cent of the illiterates as foreign born in comparison with a percentage of 29.9 in 1910. Connecticut, which has a large immigrant population, is the only State to show a greater percentage of illiteracy now than in 1910—its total percentage increasing from 6.0 to 6.2 with an increase of 13,929 in the number of its foreign-born illiterates. New Jersey, which is also a great immigrant center, although its total percentage of illiteracy has decreased, has 18,044 more foreign-born illiterates now that in 1910, and similar conditions exist in New York, Illinois and Massachusetts. But we cannot lay all the blame on the Negroes and the foreign born. In Kenutcky there are 112,206 native white illiterates, who far outnumber the

2244 foreign born and the 40,548 Negroes. Tenessee has 101,809 native white illiterates as compared with 1263 foreign born and 79,532 Negroes; and West Virginia has 44,324 native white illiterates and only 14,548 foreign born and 10,513 Negroes.

Of the five million illiterates enumerated at the last census over 3,000,000, or 62 per cent, were native-born. Of these 1,109,875 were native white of native white parentage—what we call the pure American stock. In our cities 1.82 per cent of the native born are illiterate, while in the rural districts, where enforcement of compulsory education laws is weakest, and child-labor laws are wholly absent, the percentage of illiterates among the native born is 7.01. Illiteracy is therefore nearly four times as prevalent in rural as in urban communities.

William Mather Lewis, discussing the census figures, says: "Throughout the great agricultural sections there are thousands of boys and girls kept out of school to aid in farm work. Have we ever taken a moment to ascertain why the bootblack, the newsboy, the messenger are not in school?" A survey of two rural counties in North Carolina by the Federal Children's Bureau brought to light conditions which are thought to be typical of other sections of the country. In one county two-thirds of the white children and three-fourths of the Negro children from five to fifteen years of age helped regularly in the fields, cultivating and harvesting the crops. Fifty-one were children under eight, and 120 were under ten. Irregular attendance, together with a short school term, made it impossible for children in these districts to progress rapidly in school. In one of the counties 19 out of 257 white children of school age and about the same proportion of Negro children, had never been to school in their lives. In another county over one-third of the children between ten and twenty years of age in the three townships covered by the survey had not yet learned to read and write. In the first county this proportion was approximately one white child out of ten, and one Negro child out of three.

A close connection between child labor and illiteracy exists. Each is cause and each is effect in the cycle of ignorance, poverty, and child labor. On the map the areas of the most illiteracy and the most child labor are almost identical, though neither illiteracy nor child labor is confined to any one section of the country. Ten of the states having the highest percentage of illiteracy in the age group ten to fifteen are included in the twelve states having the highest percentage of child labor in the same age group. Five states having one-eighth of the total child population ten to fifteen years of age furnish one-third of all child laborers in the United States (on the census basis) and one-half of all child illiterates.

The states referred to in the preceding paragraph are in the Southern group. The high rate of illiteracy in the South is in large part due to the type of tenancy prevailing there, and this in turn to the single- or cash-crop system of agriculture. Tenancy, as it exists in the South, with its bondage of poverty and debt and the migratoriness of tenant families, has disastrous effects on community life and ideals and on schools and school attendance. Half of the 1,591,059 farms in the Southern states (three-fourths of the farms in the cotton and tobacco areas) are occupied by tenants. There are 154,348 more white tenants than Negro in the South. Illiteracy and child labor are both products of the tenancy system in the South. This fact illustrates the fact that child labor is not an evil by itself, to be dealt with independently. What seem sometimes to be its effects are sometimes accompaniments which have causes of their own in the causes of child labor. The removal of the causes of child labor will remove other things besides child labor, and the removal of the causes of these other things will help to do away with child labor. Child-labor reform is more than child-labor reform alone: it is economic reform, and as this chapter suggests it is educational reform.

Many of our illiterates attended school and learned to read and write—but so desultory was their schooling and so small in the aggregate that they forgot what they learned. The director of work for native-born illiterates in one of the Southern states says that third- and fourth-graders are apt to "revert to illiteracy." She has found that many of the adults with whom she comes in contact, though now totally illiterate, have had three or four years at school some time in the past. The near-illiterates found in the selective draft—one-quarter of the entire number—had on the whole more schooling than that. The Census Bureau reckons as illiterates any one who tells the enumerator that he has had "no schooling whatever" or that he is "unable to write in any language"—or for whom these statements are made in his behalf. Any one who states that he has had even the slightest amount of schooling is classified as literate. In connection with the psychological tests given in the army, 24.9 per cent of 1,552,256 draftees were classified as illiterate. Illiteracy in the draft meant a lack of the "ability to read and understand newspapers and write letters home," using the English language.

The Journal of the National Education Association says: "Fine distinctions as to the definition and the exact percentage of illiteracy, however, are beside the point. It is not necessary to accept absolutely either the census or the draft definition. The question of fundamental importance to the welfare of the Nation is this: In a democracy in which universal suffrage is in force can we safely disregard the fact that five million of our population are absolute and confessed illiterates, and that 24.9 per cent of our young men are so limited in their command of the English language that they are unable 'to read and understand newspapers and write letters home'? The fact clearly exists that an alarming number of our citizens are so limited in their ability to read that they are obviously unable intelligently to discharge their civic duties. Furthermore, this situation is primarily the result of the inadequacy of the school systems of our rural communities. Until these schools are re-organized we can expect but small progress in eradicating this menace to a democratic country.'' We have seen in the chapter on Rural Child Labor that the main factor affecting school attendance in many rural communities, and a large factor in all of rural America, is the work that children do on the farm, in the beet, onion, tobacco and cotton fields, in the berry patches, cranberry bogs and truck gardens.

AMERICA'S APPALLING SCHOOL MORTALITY

There are in this country approximately 1,250,000 children under sixteen years of age who have left school permanently, most of them to go to work; and there are several hundred thousand more who are registered in school but are working outside at tasks that interfere with regular attendance or result in tiredness and inefficiency in the classroom. During the four years from twelve to fifteen inclusive an even 50 per cent of the children abandon school. Only 40 per cent of our school children finish the grammar grades, and only 8 per cent finish high school.

Of 245,000 employed boys in New York State 30 per cent had left school at fourteen or earlier; 38 per cent had left at fifteen. The majority of all working children under sixteen years old left school in the fifth and sixth grades—three-fourths of them without having entered the seventh. In some localities three-fourths of them had not gone beyond the fifth grade. Of 19,696 children between fourteen and sixteen years of age who were certificated by the United States Children's Bureau under the federal child labor law of 1916 more than one-fourth could not write their names legibly. Nearly 10 per cent had never gone beyond the first grade and considerably more than half were in the fourth grade or lower when they left school. Only about 3 per cent were in the eighth grade and about 1 per cent had reached high school. A recent report from the Child Welfare Commission of Alabama (1920) says that in that State, in certain counties, including Jefferson, Montgomery and Mobile, 30 per cent of the working children had completed no grade in school, 25 per cent the fifth grade, 15 per cent the sixth, and only 11 per cent the eighth.

In one city it was found that workers who had left school at fourteen had earned less money in four years than an equal group of children who had left at sixteen had earned in two years. In another large city, boys who had stayed in school until they were eighteen were earning at twenty-five almost two and a half times as much as was earned at the same age by the boys who had left school at fourteen. In Massachusetts, as reported in a bulletin of the U. S. Board of Education, "the Committee on Industrial Education made a study of 799 workers who left school at either fourteen or eighteen years of age; and traced the actual average salaries received by these workers from year to year. They found that boys who had remained four years longer in school in order to take a technical course soon caught up in salary with their brothers who stopped at fourteen, and went ahead of them so rapidly that by the time they were twenty-two years old, the sum of the four years' salary of the better educated boy was equal to that of the eight years' salary of those who had quit school at fourteen."

The table on page 134 (prepared by the United States Bureau of Education) compares the wages of a group of children who left school at fourteen years of age with another group who left at eighteen years of age.

At twenty-five years of age the boy who had remained in school until eighteen had received over $2000 more salary than the boy who had left at fourteen, and was then receiving over $900 a year more. This is equivalent to an investment of $18,000 at 5 per cent. Can a boy increase his capital as fast any other way? From this time on, the salary of the better educated boy will rise still more rapidly, while the earnings of the boy who left school at fourteen will increase but little. Although the wages paid now are somewhat higher than when this study was made the comparison doubtless remains valid.

Earnings per week of children who left school at 14, the end of grammar school	Age	Earnings per week of children who left school at 18, the end of high school
$4.00	14	......
4.50	15	......
5.00	16	......
6.00	17	......
7.00	18	$10.00
8.50	19	10.75
9.50	20	15.00
9.50	21	16.00
11.75	22	20.00
11.75	23	21.00
12.00	24	23.00
12.75	25	31.00
Total salary till 25 years of age, $5112.50		Total salary till 25 years of age, $7337.50

The comparison is between groups, and holds good for the average boy in each of the groups considered. Of course there are variations according to the individual case constituting what are apparently exceptions, but the rule is not impaired. There is no doubt that education pays, but it may be questioned whether it pays in exact proportion to the school grade completed, so far as children leaving school at fourteen or fifteen are concerned. A study in Cincinnati of 700 working children who had left school at fourteen and whose industrial histories were kept for four years showed that in earning capacity the child who had left school with a fifth-grade education was as well off as the one who had completed eight grades. The children ranged in intelligence from the feeble-minded to the very brilliant, but intelligence did not have any effect on earning capacity. Intelligence pays in education, but it does not pay in child labor. The education obtainable by the age of fourteen does not pay for any grade of intelligence in the occupations open to children who have left school at fourteen or thereabouts. Many—or most—of these occupations are of a routine, unskilled nature, and advance is impossible. But there are routine children as well as routine jobs. There are children who are limited by mental capacity and aptitude to jobs of a routine nature. The failure, in their case, to advance from routine, unskilled jobs is to be expected. Automatic, routine types of work are on the increase in industry, and the performance of these types of work by workers of appropriate types of mind accords not only with the demands of industry, but also with the principle of adapting employment to the capacity of the individual. But this does not argue conclusively for early discharge from school of these routine-minded children and their guidance into routine jobs. It does not measurably lessen the importance of education for these children, for if it is not necessary to give them special vocational training it is still important to educate them for leisure. With a large proportion, all through life, routine jobs will be vocationally suitable and satisfactory, but the question remains, what satisfaction will they get out of the other part of life? What use will they be to society in their non-working hours? Moreover, to a large number of workers, at any period of life, only occupations of a routine nature will be available, even though these workers may not all be psychologically of the routine type or limited by mental capacity to their limited jobs. These must find in their outside activities all that is satisfying in their lives—they must find there the compensations and enjoyments that will make their jobs tolerable and worth while. Education for leisure pays both the individual and society. It pays in other ways than in dollars and cents.

Why do boys and girls leave school and go to work so early? Howard G. Burdge, in a report prepared for the New York State Military Training Commission, and based on a study of 245,000 employed boys then between sixteen and eighteen years of age, says that "the vast majority had left school because they 'wanted to go to work' and not because they were obliged to." A study in New York City of a group of juvenile workers indicated poverty or economic necessity as the primary cause of school-leaving in 20 per cent of the cases; a Massachusetts study, in 24 per cent; Wilkes-Barre, 44.9 per cent; Philadelphia, 37.3 per cent; Waltham, one-third of the cases; Boston, two-fifths. Such statistics are subject to criticism, because economic necessity is hard to define, and then to determine in the cases under study; but careful investigation in scores of urban communities seems to have established beyond doubt the fact that real economic necessity is responsible for only about a third of the withdrawals from school to go to work—which is, of course, a proportion sufficiently large. Mrs. Helen T. Woolley found that in Cincinnati (apart from dissatisfaction with, and maladjustment in, school) it was not abject poverty so much as near-poverty, the desire to improve the general family condition, that led to early going-to-work.

But why should children be permitted to leave school merely on account of the poverty of their parents? Society has need for the fullest possible development of human capacities and no need for an ignorant, incompetent citizenship. Society, through adequate and properly administered poor relief, under public and private auspices, and especially through children's scholarships, can keep in school the boys and girls whose poverty would drive them out at too early an age.

CHILDREN'S SCHOLARSHIPS

There is one among other practical ways of helping lift from children the burdens of child labor that may appropriately be mentioned here. That is what is known as the children's scholarship plan, usually initiated and administered under the auspices of some civic organization, but destined eventually to be an integral part of school administration. A teacher, telling a class of boys and girls about the federal child labor law passed in 1919, said, "Lincoln freed the slaves and Wilson freed the children." Quick as a flash came Joey's answer: "Who's freed me? There's a screw loose somewhere!" He was fourteen years old and working on pants in his tenement home from

4 a. m. until school time and from 3 p. m. until late at night. The federal law did not apply to tenement homework. Little wonder that he put the question. When his story came to the New York Child Labor Committee he was promptly "freed" with a scholarship—a weekly cash pension—which relieves his mother of the need of his help and allows him to finish his course in school with a good chance for health and recreation.

There are in the United States a number of different private associations conducting scholarship work for school children. So far as known the idea started in Hull House, Chicago, at least fifteen years ago. Two different types of scholarship work are carried on in this country. One is the scholarship given to children between fourteen and sixteen years of age who are unable to meet the requirements for going to work legally, and the other is for children of the same age who may legally leave school but who give particular promise and who are ambitious and desirous of obtaining more education. The plan of administration of these two types of scholarship is similar as in both cases the scholarships are contingent upon regular school attendance and involve pre-investigation to find out whether the need for financial help is genuine.

The scholarship work of the New York Child Labor Committee includes a considerable amount of vocational guidance. The amount of the scholarship, which is paid weekly, varies from four to six dollars, and is determined after careful investigation of family conditions in the case of each separate child. Approximately one-quarter to one-third of the applications are found to represent problems which cannot be solved by any other adjustment of the situation. The Committee requires the presentation of a weekly report card, stating the number of school sessions attended and the mark for deportment and studies. The card is signed by the child and forms a receipt for the money payments. The scholarships of this organization are continued only until the child is able to go to work legally or until financial conditions in the home are improved so that outside assistance is no longer needed. Applications for scholarships come to the Committee from school officials, truant officers, court and probation officers, factory inspectors, judges and others having direct connection with enforcing child-labor or compulsory-education laws.

The spread of the scholarship idea and the establishment of scholarship funds will do much to give to children qualified to profit from continuance at school a chance to go on and at the same time remove objections to the raising of legal standards for children going to work based on sympathy for the poor. Society should see that no child is penalized by child labor for the poverty of his parents.

The United States Children's Bureau, in a pamphlet entitled "Scholarships for Children," describes the methods in vogue in one city where scholarship work is carried on. Schools, settlements, and social agencies refer children to the scholarship committee. In each case the home is visited, the conditions noted, and a complete social history of the home obtained. The school is visited and the child's aptitudes, interests, and ability are talked over with the teacher. Most important of all is the evidence given by the applicant in a sympathetic talk with him. After ascertaining all that can be learned about the child, the facts are presented to the scholarship committee, which decides whether or not a scholarship shall be given. Each child who is granted a scholarship reports at stated intervals to the person in charge. Together they talk over the child's work in school—the studies that are particularly difficult and those that are most enjoyed. The child's physical condition is watched and his physical defects corrected. Frequent visits to the home and school are necessary to insure proper supervision, for it must be remembered that these boys and girls come from homes where financial pressure is constant and reacts upon the child's school work. He sometimes becomes discouraged and is occasionally tempted to leave school for a temporary financial advantage. An effort is made to steer the child into the school where he will secure the training that will best fit him for his future work. After he has received that training he is placed in a position where he can make use of it, and where he will have an opportunity to advance.

The White-Williams Foundation, of Philadelphia, in a circular describing its work, has this to say in regard to the philosophy back of its scholarships: ''For the children who should remain in school but whose financial condition will not permit their further attendance, there are scholarships. Like a good many other things in education, this matter of scholarships is much bigger at the top than at the base. The endowment set aside for scholarships and fellowships for graduate work in colleges and universities and professional schools in this country runs into rather large figures. The number of scholarships for undergraduate work is not so imposing. Scholarships for secondary education are still less, and help of a similar character for the child in junior high school or in elementary school is infinitesimal. And yet how terribly are the ranks of the promising school children thinned in these early years because they must go to work to support themselves and sometimes to help their families. How much less able to educate himself is the child of fourteen than is the young person of twenty-one, who, in addition to being older, has already had the benefit of four years in college! Surely if the college graduate needs help to go on, the child who has had only an elementary education has a much greater need. Scholarships and fellowships for older students can be awarded most advantageously only when all who have real capacity and ability are put in the way of competing for them. This means the exercise of some solicitude in seeing that exceptionally well endowed students are enabled to get through the preliminary stages and up to the places where they can enter the lists for the bigger prizes.''

NEED FOR REFORMED SCHOOLS

Miss Anne Davis, head of the Vocational Bureau of the Chicago Public Schools, finds that another cause than poverty is the most effective in producing withdrawal. That is the child's dissatisfaction with school, its failure to hold his interest and loyalty. The Department of Education of Boston made in 1920 the following statement: "It has been generally believed that most young workers leave the regular schools because of economic necessity in the home. 'Economic necessity' is often used as an excuse when poor management at home, over expensive home standards or parental disregard would better express the real cause. A study of the facts shows that 40 per cent leave school for reasons related to economic conditions in the home, while 60 per cent leave school because of reasons related to conditions in the school. The number of young people to whom the regular schools make a strong appeal is yet too small. It is difficult to convince many children that the regular school offers that which can become a means to a livelihood. Lack of interest in school work results in failure, failure causes discouragement, and discouragement begets desire to leave school. Present tendencies in the schools are toward better adaptation to individual needs. As these tendencies develop the number of children entering employment will decrease."

Conditions in the modern schoolroom are directly antagonistic to the physiological needs of children, since the demand for bodily movement, especially movement of the large fundamental muscles of legs, arm, and trunk, is denied. Because of this, and because of the stressing of the accessory muscles, with an accompaniment of severe nervous effort and strain, much of the work in the schoolroom is done under defective psychic motivation. There is too much finger-work, too much eye-work, too much external compulsion, too little physical and mental freedom. As Dewey says, "Nature has not adapted the young animal to the narrow desk, the crowded curriculum, the silent absorption of complicated facts. His very life and growth depend upon motion, yet the school forces him into a cramped position for hours at a time, so that the teacher may be sure he is listening or studying books. Short periods of exercise are allowed as a bribe to keep him quiet the rest of the time, but these relaxations do not compensate for the efforts which he must make. The child is eager to move both mentally and physically. Just as the physical growth must progress together with the mental, so it is in the separate acts of a child. His bodily movements and his mental awakening are mutually dependent.'' Against conditions that cramp and stifle and starve and baffle, children consciously or unconsciously rebel, and in part the consequences are recorded in the statistics of poor school attendance and of early escape from the child labor that is found in the school itself.

It has often been said that very many of the children who leave school early are hand-minded. Though hand-mindedness is a term of doubtful validity, it suggests an important psychological fact, for, to a large extent, ''Education comes in through the muscles,'' not only the muscles of the hands, but the muscles of all the organs of sense and movement—the muscles both of making and of doing. These are not merely the tools of intellect but are causally related to intellectual development. ''Mind had its origin in movement,'' says Waddle; ''its function is still and always the modification and direction of responses; its development can take place only in definite, vital, dynamic situations in which its natural function has free play.'' Constant obstruction of the motor tendencies of the child not only interferes with his health and happiness, but cuts him off from his chief means of real knowledge and blocks the natural course of educative growth. Premature school-leaving, apart from the purely economic factor, is very largely due to the unconscious demands of mental expansion and development.

If it be desirable to solve the problem of premature going-to-work with a minimum of recourse to prohibitions and compulsions, we must provide schools that respond to the great changes in motives, tastes and aspirations that come to boys and girls with the onset of adolescence. Says Dr. Luther H. Gulick: "A change ought to and does come over children at that age which demands a less materialistic environment than that of the elementary school. They are gripped by a new spirit of energy and independence which demands either the larger liberty of the high school or the obligations of business." G. Stanley Hall writes: "Now young people are interested in adults, and one of their strongest passions is to be treated as if they were mature. They desire to know, do, and be, all that becomes a man or woman. Childhood is ending and plans for future vocations now spring into existence." And this is the time of the greatest exodus from school into industry, for somehow these adolescent demands and interests fail of satisfaction in the school environment, and the quest is carried elsewhere. The work instincts of boys and girls, and their later vocational interests, can and should be satisfied in the schools and utilized to educational advantage. If they are not, it is not the children's fault, but our own.

RETARDATION AMONG SCHOOL-LEAVERS

It is significant that the majority of the early school-leavers are retarded in their school work. That there is considerable relationship between retardation and early withdrawal from school is not to be doubted; how much is a question. Certainly a child who is behind his normal grade in school, from whatever cause, is less likely to want to remain in school than the child who gets along well. Though there are many causes of early withdrawal, the holding power of the school is undoubtedly lessened by the fact of retardation. Both the retardation and the early withdrawal may be due to a lack of interest in the school work, and the lack of interest may be due to any one of a number of causes or more likely to a complex of causes, overlapping and intermixed.

A federal study of 620 working children showed that 83.3 per cent were above the average age of their classmates when they left school. Of 347 children applying for employment certificates in Philadelphia in the first few months of 1920, 283 had repeated one or more grades, some as many as five or six. Miss Anne Davis, chief of the Chicago Vocational Bureau, reporting on several thousand school-leavers, says: "The majority of children who leave school before the sixteenth birthday are retarded children. According to the usual standard for measuring retardation, the child who is thirteen years of age is considered to be in his normal grade if he is in the seventh or eighth grade. Taking the total number of children, 5323, who left school before the sixteenth birthday, we have 4017, or 75 per cent, who are retarded, and only 232 children, or 4 per cent, who are above the average." In Cincinnati, according to Mrs. Helen T. Woolley, a psychologist and educator who has made extensive studies of school and work problems in that city, "sixty-seven per cent of the public school children who were at work were retarded, as compared with 28.7 per cent for the corresponding group still in school, or, in other words, the percentage of retardation among those who leave school to go to work is more than twice as great as that among children who are in school."

A report by Mrs. Helen Sumner Woodbury on the working children of Boston, says that retardation "appears to have been decidedly more common among the children who left school for work before their sixteenth birthdays than among other Boston children fourteen and fifteen years of age. Over three-tenths of the children who took out certificates in Boston for work during school hours were found to be retarded; yet, according to the report of the Immigration Commission, only about two-tenths of the children in the fifth, sixth, seventh, and eighth grades of the Boston schools, the grades from which most of the children included in this study left school, were retarded. Although this comparison can be considered as only roughly indicative of the true situation, there appears no doubt that, considering all school children, regardless of nativity or nationality, those who are retarded in their school work are more likely than those who are in normal or higher than normal grades for their ages to leave school for work.''

The proportion of retarded children in the general school population is from 25 to nearly 50 per cent, according to the locality and the standard of measurement. Professor Junius L. Meriam, of the University of Missouri, states that ''approximately one-third of pupils in school are behind their grades.'' In 1916 Professor Lewis M. Terman, of Leland Stanford Junior University, estimated that more than 10 per cent of the $400,000,000 annually spent for school instruction in the United States is devoted to re-teaching children who have failed of promotion.

RETARDATION IN TENNESSEE SCHOOLS

Miss Gertrude H. Folks, in her report of a school survey in Tennessee, conducted under a cooperative arrangement between the State Department of Education and the National Child Labor Committee, emphasizes retardation as showing not merely the failure of the pupils but the failure of the schools—not an absolute failure, of course, but a lack of such success as the schools might reasonably be expected to attain. The outstanding defects of the Tennessee schools, says Miss Folks at the conclusion of her exhaustive report, were found to be: (1) the short terms; (2) poor attendance; (3) the old-fashioned type of school building, poorly built and poorly equipped; and (4) inefficient and untrained teachers. ''All of these evils work together to one end: they prevent the child from securing the education to which it is entitled. The State should provide a system of schools so operated and taught that a normal child can complete the work of the elementary grades by the end of his fourteenth year.''

In four Tennessee counties intensively studied, age and grade records were taken for each school, and on a liberal two-year basis (i.e., considering that a child seven years old should be in the first or second grade, eight years old in the second or third, etc.) nearly one-half of the children were retarded at least one year, and over one-third of those retarded were retarded for three years or more.

WHITE

Percentage of Children Retarded

County	Total No. of Children	Per Cent Normal	Per Cent Advanced	Per Cent Retarded
Smith	1,802	40	3	57
Monroe	356	28	2	70
Maury	1,833	49	3	48
Hamilton	6,207	53	3	44
Total	10,198	49	3	48

Per Cent of Those Retarded

County	1 yr.	2 yrs.	3 yrs.	4 yrs.	5 yrs.	6 yrs.	7 yrs.
Smith	35	29	19	9	4	2	2
Monroe	29	21	20	14	9	2	3
Maury	50	22	17	9	2		
Hamilton	44	28	16	7	3	2	1
Total	43	26	19	8	3	1	

COLORED

County	Total No. of Children	Per Cent Normal	Per Cent Advanced	Per Cent Retarded
Smith	163	19	2	79
Monroe	56	30	0	70
Maury	318	30	1	69
Hamilton	832	33	2	65
Total	1,369	30	2	68

Per Cent of Those Retarded

County	1 yr	2 yrs.	3 yrs.	4 yrs.	5 yrs.	6 yrs.	7 yrs.
Smith	11	21	28	18	10	8	4
Monroe	15	30	19	3	13	15	5
Maury	21	17	20	16	13	7	6
Hamilton	37	21	20	12	5	4	1
Total	29	21	22	14	7	5	2

It will be seen that in Smith and Monroe Counties, where the terms were short, not only was there a greater percentage of retarded children, but the percentage of children who were retarded three, four or five years was also greater than in Maury and Hamilton Counties, where the term was eight and nine months respectively. Hamilton County, where the consolidated school had largely replaced the one-teacher variety, had a much lower percentage of retardation than any of the other counties. With the exception of Monroe, where only one school was studied, the retardation among colored children was much greater than among white, and this must be attributed in part at least to the great inferiority of the colored schools.

Even in the city schools retardation was found to be great. In Knoxville, 45.4 per cent of the white children were retarded and 55 per cent of the colored children. This large per cent was undoubtedly due in part to the higher standards of the city schools and their stricter gradation. Even so, however, the per cent was high, and, in view of the fact that the urban term is nine and one-half months, it indicates either exceptionally poor teaching or exceptionally poor attendance, probably some of both. In Nashville, on the same retardation basis, 39 per cent of the white children and 55 per cent of the colored children were retarded.

''Some retardation is, of course, inevitable and is found in any school,'' Miss Folks remarks in the Tennessee report. ''Children mentally slow or actually deficient are in the schools, others have some physical defect such as poor eyesight which reacts upon their work, others may have been ill or irregular in attendance for legitimate reasons. But nothing other than poor schools, short terms, and wholesale disregard of the attendance law can explain such widespread retardation as exists in Tennessee schools. Children should not be allowed to suffer such a handicap. A few changes in administration, an increase in and reapportionment of school revenue, an intelligent enforcement of the compulsory-attendance law, and the employment of competent teachers are essential in order to raise the standard of public school education and to insure to the individual child the education which it is the duty of the State to give.”[1]

RETARDATION AMONG CINCINNATI SCHOOL CHILDREN

Helen S. Trounstine, in a study of “Retardation in the Cincinnati Public Elementary Schools,” found that more than 40 out of every 100 children are one year or more behind the grade they should have reached if they had passed one grade each year since entering school. Of school children at the age of fourteen nearly two-thirds are behind normal grade. The extent of retardation among this average group of children about to be released from compulsory education is approximately as follows:

In normal grade	35.8 per cent
One year retarded	22.9 per cent
Two years retarded	21.3 per cent
Three years retarded	12.9 per cent
Four years retarded	5.0 per cent
Five years retarded	1.5 per cent
Six years retarded	.6 per cent

Further facts brought out in Miss Trounstine’s study are of interest and value. More than half of the 656 children who failed in ten Cincinnati schools in a single year were absent three weeks or more during the school year. The average absence of the children who failed was twenty-five days, compared with an average absence of five days on the part of children who passed. Physical defects were at least three times as common among children who failed as among children who passed. Two-thirds of the children who failed came from families with incomes too small to purchase the necessities of wholesome living. The majority lived in homes of three rooms or less. Not more than one in four lived in a home with a bathtub. The mother of one child out of every five who failed was gainfully employed outside the home. A lack of outdoor recreation was apparent among the school failures. About one-sixth had changed schools during the year, and this may have contributed to failure in some cases. About one-eighth of the children who failed were feeble-minded, and another eighth, though not feeble-minded, were decidedly dull. Lack of enthusiasm and ambition are reported as important causes of failure, but of course this lack has at least a partial explanation in the other causes. For instance, a mental deficient is apt to be attempting work beyond his abilities and therefore to feel himself a misfit; or again, discouragement is due to failure due to absence due to home conditions.

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[1] Chapter on “Schools,” in *Child Welfare in Tennessee,* a report by the National Child Labor Committee.

Miss Trounstine, summing up the causes of retardation, says: "Retardation in school is usually due to failure, or failures, to pass grades. Failures may possibly be due to one or more of three general causes: absence from school, inability to master the studies assigned, or lack of an earnest desire to succeed in school work. If a child is present regularly, is able to master his work, and eager to do so, failure is well-nigh impossible." Or the main causes of failure might be grouped under the following three heads: absence from school; physical or mental defects; lack of adjustment between the child and his school work.

ABSENCE FROM SCHOOL AND NON-PROMOTION

The relation of poor attendance to poor progress in school is obvious. G. H. Reavis surveyed five rural counties in Maryland and found that 90 per cent of the pupils best in attendance were promoted in school, while only 23 per cent of those poorest in attendance were promoted. Mr. Reavis writes in his report of this study: "Children attending school fewer days do an inferior quality of work, ranking below pupils with whom they recite regardless of the distance they live, the grades they have reached, the kind of teachers they have or any other influences. The relation between attendance and quality of work is 35 per cent for five- and seven-year groups and drops to about 25 per cent and 20 per cent with the older groups.''

An inspector of rural schools in Louisiana reported in 1917 that the children could not pass the simple tests given them. ''A number of fifth-grade pupils could not add, more of them could not multiply; the time required for these operations was on an average more than twice as long as it should be, and the percentage of inaccuracy deplorable, while the situation with reference to skill in the use of punctuation marks parallels that in arithmetic''—and the inspector placed first in his explanation of this poor scholarship the irregularity of attendance in former years. It is also significant that in the one parish in which the compulsory attendance law was being rigidly enforced the records of the pupils were much better than in any other parish visited.

The Governor of Delaware, in a recent proclamation, called attention to the fact that from one-fourth to one-third of the white pupils and one-third to one-half of the colored pupils in the rural schools of Delaware were failing in promotion, and added: ''The chief reason why these pupils failed in promotion is that they attended school for so brief a period as to make it impossible for the teacher to advance them with the other pupils into the higher grade.'' In response to the Governor's proclamation ''School Attendance Week'' was observed throughout the state. The Bureau of Education of the Service Citizens of Delaware contributed to the success of the week by preparing and giving to the public up-to-date information with regard to attendance gathered by them on the individual pupil enrollment cards now in use in the schools throughout the state. Many interesting facts were revealed among which the following are the most significant:

1. Colored schools have a larger percentage of absences than white schools, and also a larger percentage of failures of promotion.
2. One-teacher schools have a larger percentage of failures

of promotion than graded schools, although there are some striking examples to the contrary.

3. Irrespective of other factors, such as type of school and race, the boys have a larger percentage of absences than the girls and a larger percentage of failures to advance.

4. Children of farmers, whether owners, tenants or laborers, have a larger percentage of absence than town residents, and children of farm tenants are at a greater disadvantage than children of farm owners or farm employees.

5. The first cause operating to keep the students away from school were, in their order of importance: illness, agricultural work, other work, parental indifference, late enrollment, weather, and "out of town."

6. These various causes did not all operate constantly throughout the year. Agricultural work was heavy in September, October, April, May and June. The most constant of all causes was illness, which was the slightest in September, with 3.2 per cent, and heaviest in February, with 9.5 per cent. Parental indifference was lightest in October, occasioning but 0.8 per cent, and heaviest in May and June, occasioning 3.4 per cent of absences.

7. The percentage of absence also varied with the type of school attended. The heaviest absence percentage occurred in the single-teacher schools, where one-fourth of all the days the pupils were enrolled in school during the year was absence and three-fourths only was attendance.

These facts speak for themselves. The campaign for better child-labor and compulsory school-attendance laws, for more strict enforcement of such laws, for improved schools, and for more adequate health protection cannot be allowed to weaken until such conditions as those described above cease to exist.

HEALTH AND SCHOOL RETARDATION

In the Cincinnati study of retardation it was found that four-fifths of the absences of the children who failed were due, according to the parents, wholly or in part to sickness of the children absent. Illness and physical defect must be given serious consideration as a cause of absence and retardation. A recent study of nutrition and retardation among school children in Washington, D. C., deserves notice. One thousand ten-year-old children were studied; this age being at the middle of the school period, it was regarded as likely to show a fair average of school conditions. The investigator found ten-year-old children in all grades from the first to the seventh. The proportion of those with good nutrition was twice as great in the three upper grades as the three lower grades. Among the boys, rapid progress (skipping one or more grades) was observed in 7 per cent of those well nourished and in none of those poorly nourished. Slow progress (repeating one or more grades) was seen in 22 per cent of those well nourished and in 37 per cent of those poorly nourished. The difference in the school standing of the girls according to the condition of their nutrition was similar but not quite so marked. Among them rapid progress was observed in 5 per cent of the well nourished as compared with 9 per cent of the poorly nourished. Slow progress was seen in 13 per cent of the well nourished and in 21 per cent of the poorly nourished.[2] To detect and remedy such conditions as these we need school medical and nursing service. School lunches are also to be recommended.

The relation between weight and school progress has been studied in Detroit. Data were secured for 84,389 children. With but few exceptions, at every age from six to fourteen and a half the degree of retardation or acceleration in school work corresponded very closely with the body weight. The following table, quoted from Holt,[3] gives the relationship between weight and school progress for 41,151 boys. The weight of 5,987 boys who were in normal grade for age is taken as 100 per cent.

The weight of boys retarded one year was 1.5 per cent below the average weight for the grade.

The weight of boys retarded 2 years was 2.6 per cent below the average weight for the grade.

The weight of boys retarded three years was 4.9 per cent below the average weight for the grade.

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[2] L. Emmett, M.D., *Food, Health and Growth*, pp. 26–267.
[3] L. Emmett Holt, *ibid*, p. 29.

The weight of boys retarded four years was 8.1 per cent below the average weight for the grade.

The weight of boys accelerated one year was 2.6 per cent above the average weight for the grade.

The weight of boys accelerated one and one-half years was 5 per cent above the average weight for the grade.

The weight of boys accelerated two years was 7.1 per cent above the average weight for the grade.

The weight of boys accelerated two and one-half years was 10.2 per cent above the average weight for the grade.

Evidence of correlation of physical defects and retardation among pupils is presented as a result of a medical examination of 403 backward children in Public Schools Nos. 59 and 64, Manhattan, New York City. Certain defects such as decayed teeth and malnutrition were found to be prevalent among the children examined and definite recommendations were made with a view to eliminating backwardness due to these causes. Some of these recommendations have been carried into effect. Averaging the results obtained in the two schools, it was ascertained that thirty-four or 8 per cent of the children examined were found physically normal. In P. S. 59, 14.9 per cent were found normal as compared with 2 per cent in P. S. 64. The prevalence of bad teeth prompted the investigators to recommend that more dental clinics be established. They also recommended that lip-reading classes be established at convenient centers and that the children be taught to form corrective breathing habits. Malnutrition and anemia were considered grave factors in the retardation of the P. S. 64 group, where 24 per cent were thus affected, as against 7.4 per cent in P. S. 59. "School lunches," continued the report, "are recommended as an urgent need, especially in schools in very overcrowded districts where poverty is marked."

MENTAL DEFICIENCY AS A FACTOR

Mental deficiency as a factor in retardation has lately received much consideration. A psychological study was made of pupils in two New York City school districts who showed a retardation of more than two years or four school terms. The result with reference to 810 pedagogically retarded pupils showed that 434 or 53 per cent were mentally under age, 167 or 20 per cent were normal, 209 or 25 per cent were over age mentally. Of those, constituting one-half the group, who were mentally under age 263 were one year or less under age, 134 were one to two years under age, 29 were two to three years under age, 6 were three to four years under age, 2 were over four years under age. Precisely half the group retarded two chronological years were shown, by comparison of intelligence quotients and educational quotients, to lack the mental capacity to do the work of the grades in which they were enrolled. The study related, of course, to exceptionally retarded children.

It must not be too readily assumed that it is only mentally backward children who are behind in their school work. In cases where no other causes of school retardation operate it is probably true that the child of average or good intelligence makes normal progress in school. Many of the brighter pupils, however, fail to do well in school if they are absent a great deal of the time, or if they are handicapped by illness, or if there is maladjustment between their special abilities, aptitudes and tastes on the one hand and the curriculum on the other. Standards of school progress are subject to criticism, and so are the norms of intelligence. So widely do children vary in special abilities that it is hardly to be expected that all will make the same progress in passing on from grade to grade in a curriculum built on the common-likeness plan of the one-hoss shay. A large amount of school retardation among really bright pupils could undoubtedly be obviated by more attention to educational guidance and to the elimination of those physical ailments and defects which are remediable or preventable.

Then, too, mental retardation may be temporary. The permanent mental retardation which is hereditary must not be confused with the dullness which can be overcome by putting the child in proper physical condition and finding a point of contact with his actual abilities and interests. Supposedly "dull" pupils often become "bright" through suitable care and treatment. Moreover, there seem to be different types of intelligence, and the mental tests used do not always make sufficient allowance for this fact. At any rate, these tests do not discover or measure special abilities, nor do they take account of those numerous elements of personality and character, other than intelligence, the presence or absence of which contribute to the individual's success or failure both in school and in life.

Exact definition of types of intelligence is quite as difficult as accurate determination of general intelligence, and their existence is sometimes questioned. It is not clear however, why the existence of types of intelligence should be more doubtful than the existence of special abilities, or, for that matter, than the existence of a "pure" intelligence which some psychologists unwittingly predicate. Intelligence, of course, is understandable only by reference to behavior in given situations, and it is quite obvious that some children who function well in the performance of certain kinds of tasks do not function well in the performance of tasks of another kind. Specifically, there are those who are "good at books" and those who find their greatest success in dealing with things. Where is the greater intelligence? It is hard to say. But, assuming that intelligence does preponderate on the side of those who are successful in school, it remains incumbent on school administration to see that all grades as well as all kinds of intelligence receive due recognition in the educational plan. In the Cincinnati study already referred to it was shown that failures occur chiefly in abstract studies like grammar, history, arithmetic, and geography, while concrete and practical studies like manual training and domestic science are more easily mastered—by those especially who are so minded, it might be added.

INTELLIGENCE AND SCHOOL-GRADING

Intelligence levels as determined by mental tests carefully administered and interpreted—particularly individual tests—have a very direct meaning for the problem of retardation in school work and early school-leaving, and accordingly for the child-labor problem. Lewis M. Terman, discussing mental age as a basis for school-grading, says: ''The significance of mental age for the teacher lies in the fact that it can be used as a basis for grading the pupils so as to secure class groups of homogeneous ability. The pupils of given grades, or even the pupils of one grade in a single classroom, are far from equal in general intelligence or in ability to master the school work. Generally speaking, not far from a fourth of the pupils in any given grade have a mental level too low to make satisfactory work in that grade possible, while another fourth have reached a mental level which would enable them to succeed in a higher grade.''

Elsewhere the same writer states: ''While we cannot hold all children to the same standard of school progress, we can at least prevent the kind of retardation which involves failure and the repetition of a school grade. It is well enough recognized that children do not enter with very much zest upon school work in which they have once failed. Failure crushes self-confidence and destroys the spirit of work. It is a sad fact that a large proportion of children in the schools are acquiring the habit of failure. The remedy, of course, is to measure out the work for each child in proportion to his mental ability.'' This will help prevent the premature school-leaving which constitutes one of the main points of the child-labor problem.

The relative retardation of exceptionally bright children has attracted some attention through the efforts of Professor Terman and others. Terman writes: ''Psychological tests show that children of superior ability are very likely to be misunderstood in school. The writer has tested more than a hundred children who were as much above average intelligence as moron defectives are below. The large majority of these were found located below the school grade warranted by their intellectual level. One-third had failed to reap any advantage whatever, in terms of promotion, from their very superior intelligence. Even genius languishes when kept overlong at tasks that are too easy.''

Mrs. Helen T. Woolley is co-author of a valuable essay on ''Diagnosis and Treatment of Young School Failures,'' in which she recognizes other factors than intelligence tests would reveal. The emotional constitution and tendencies of the child, as well as his purely intellectual reactions, have to be considered in the psychological study of each case. Not only psychological and psychiatric diagnosis is required, but social diagnosis. Mrs. Woolley summarizes her sixteen case studies by an outline of procedure in the diagnosis of young school failures:

> (1) The first point to consider is the mental level of the child. It may be low enough to be a sufficient explanation of the failure.
>
> (2) The second point to consider is the child's academic history. Regular attendance at good schools for a period which should have resulted in visible school progress, but has not, is an unfavorable symptom. Very irregular attendance or very poor school opportunities are favorable symptoms.
>
> (3) The third point for investigation is the child's state of health. The points of most common importance are the condition of vision and hearing, the nourishment of the child, the state of tonsils, adenoids, and teeth, and the possibility of anæmia, tuberculosis, or syphilis. The glands of internal secretion may prove to be of great importance to mental state, but the evidence is not yet convincing. In our experience, we have had few instances in which physical condition alone seemed to us responsible for bad school failure. The fact that it is a contributing cause, and should be looked after even if it were not, is incontestable.
>
> (4) The fourth point, and the most difficult of determination,

is the general mental tone and attitude of the child. Under this head the points to consider are: (*a*) Mental distraction due to anxiety usually caused either by poverty, or by unhappy relationships in the family, such as constant quarreling of the parents, immoral behavior of the parents, divorces, or cruelty toward the children. (*b*) Personality conflicts between the child and his parents or between the child and his teachers. (The present series contains no instance of this type.) (*c*) Obsessions or fears, having to do with religious ideas, or with sex. (*d*) Special disabilities (both instances in our series were probably the effect of previous diseases of the nervous system). (*e*) Character defects, such as excessive shyness, or abnormal stubbornness, which as far as our present knowledge goes may be congenital, or may be due to the experiences of infancy and the pre-school period. (*f*) Psychopathic conditions which are quite certainly hereditary in children of this age, and can not be sharply delineated from what we have called character defects, except by their more extreme and unaccountable manifestations.

The relative importance of these mental factors differs enormously from case to case. Those due to external causes, such as poverty or unfortunate family relationships, are the most hopeful, both because the cause may be removed, and because the mental attitude may be directly modified through personal influence. In general, the larger the hereditary factor, the more difficult the task of modifying the mental state. However, since we can not know at present which traits are truly hereditary and which may have been induced by early experience, we can only assume that all are modifiable by wise treatment, and do our best. It is somewhat surprising that in the cases in which we have thought the hereditary factor largest we have been more successful in reforming behavior than in inducing school progress.

(5) The fifth and final point is the heredity of the child. It is exceedingly important to know, but very difficult to get, except in so far as the immediate family reveals it, unless one has facilities for social research which are not now at the command of any school system. A definite knowledge of a psychopathic heredity is, of course, a very unfavorable factor.[4]

Such cases as those studied by Mrs. Woolley indicate the need both of individual attention and aid, and of special classes suited to different types of school failures—otherwise it is the school that fails.

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[4] *U. S. Bureau of Education, Bulletin,* 1923, *No.* 1.

CHILD AND CURRICULUM

Lack of adjustment between child and studies is certainly a chief cause of retardation, and this lack of adjustment may be related either to the child's general ability or to his special abilities. Miss Trounstine remarks: "The ability of a scholar to master his studies may be represented as the ratio between the mental capacity of the child and the suitability of the studies to his intelligence. A precocious child of eight would fail in college algebra, while an imbecile of fifteen would fail in a first-grade reading lesson. In the latter case the child's dullness would be at fault; in the former the selection of studies would be to blame." The other aspect of maladjustment is indicated by Professor Meriam in a criticism of assigned causes for withdrawal from school. The whole passage is pertinent: "Retardation as an assigned cause is probably largely due to the failure of school officials to provide that kind of schoolroom occupation which is suited to certain types of boys and girls. Those pupils designated as retarded do rank low when tested by the particular types of intellectual work called for in the traditional school. Some mental tests of another nature might compel us to question if the retarded pupils might not be the accelerated ones in a curriculum made to fit their needs. . . . Lack of differentiation is due to a curriculum so stereotyped that little opportunity is left for individual variation. Indifference is readily explained on the basis of the curriculum not being constructed according to tastes and abilities of pupils. Desire for activity is readily understood when one notes the extent to which the traditional curriculum is one of passively learning rather than one of actively doing."[5]

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[5] Junius L. Meriam, *Child Life and the Curriculum*, pp. 49-50.

The risk that pupils run of retardation from our present system of grading and graduation, and from disregard of individual differences, is suggested in a fanciful story of the school of the animals as told by Professor Dolbear and repeated by Professor William H. Burnham. This is the story:

> In antediluvian times, while the animal kingdom was being differentiated into swimmers, climbers, runners, and fliers, there was a school for the development of the animals.
>
> The theory of the school was that the best animals should be able to do one thing as well as another.
>
> If an animal had short legs and good wings, attention should be devoted to running, so as to even up the qualities as far as possible.
>
> So the duck was kept waddling instead of swimming. The pelican was kept wagging his short wings in the attempt to fly. The eagle was made to run, and allowed to fly only for recreation.
>
> All this in the name of education. Nature was not to be trusted, for individuals should be symmetrically developed and similar, for their own welfare as well as for the welfare of the community.
>
> The animals that would not submit to such training, but persisted in developing the best gifts they had, were dishonored and humiliated in many ways. They were stigmatized as being narrow-minded and specialists, and special difficulties were placed in their way when they attempted to ignore the theory of education recognized in the school.
>
> No one was allowed to graduate from the school unless he could climb, swim, run, and fly at certain prescribed rates; so it happened that the time wasted by the duck in the attempt to run had so hindered him from swimming that his swimming muscles had atrophied, and so he was hardly able to swim at all; and in addition he had been scolded, punished, and ill-treated in many ways so as to make his life a burden. He left school humiliated, and the ornithorhynchus could beat him both running and swimming. Indeed, the latter was awarded a prize in two departments.
>
> The eagle could make no headway in climbing to the top of

a tree, and although he showed he could get there just the same, the performance was counted a demerit, since it had not been done in the prescribed way.

An abnormal eel with large pectoral fins proved he could run, swim, climb trees, and fly a little. He was made valedictorian.

PUPIL PROGRESS IN NEW YORK CITY

The great variation in pupil progress through the schools was strikingly brought out in an address by Superintendent William L. Ettinger of New York City based on conditions found in the elementary schools of that city. Dr. Ettinger said: "In order to analyze the element of progress as related to the ages of pupils in the grades, special data were obtained from the pupils' record cards, showing not only the age of the pupil in relation to grade norms, but also the number of terms the pupil spent in attaining the grade he was in at the time the census was taken. We anticipated that age alone did not measure either progress or retardation; we assumed that over-age might be consistent with normal progress. We found we were justified in these assumptions but, in addition, the data showed that normal age does not always mean that a child has made normal progress and that under-age does not always mean accelerated progress. It is obvious, therefore, that age-grade statistics, as a measure of the effectiveness of our work, must be supplemented by progress statistics.

"The study revealed little to justify the traditional assumption that if we divide the elementary curriculum into approximately sixteen equal parts, called a term's work, the average uniform ability of the great majority of our pupils will enable them to advance or progress from term to term without appreciable loss.

"Of the 710,653 pupils on register in the regular grades on February 28 last, 85,938, or 12.1 per cent had made rapid progress; 297,821 or 41.9 per cent had made normal progress, and 326,894 or 46 per cent had made slow progress. Of the total enrollment, 8.2 per cent of all pupils were accelerated one term; 2.5 per cent of all pupils were accelerated two terms; 0.8 per cent of all pupils were accelerated three terms; 0.3 per cent of all pupils were accelerated four terms; 0.3 per cent of all pupils were five or more terms advanced.

''Moreover, 20.4 per cent of all pupils were retarded one term; 10.8 per cent of all pupils were retarded two terms; 6.5 per cent of all pupils were retarded three terms; 3.7 per cent of all pupils were retarded four terms; 2.2 per cent of all pupils were retarded five terms; 2.3 per cent of all pupils were retarded six or more terms.

''As one might anticipate from the foregoing, great variability in rates of progress exists among the children of a given grade. Thus, among the 30,000 children in 8B, admission to which should require fifteen terms' work, of these who had made the most rapid progress, 3 had been in school six terms; 6 had been in school seven terms; 8 had been in school eight terms; 13 had been in school nine terms; 112 had been in school ten terms; but at the other extreme, of those who were most retarded, 380 had been in school twenty terms; 171 had been in school twenty-one terms; 53 had been in school twenty-two terms; 24 had been in school twenty-three terms; 4 had been in school twenty-four terms.

''The same variability is found in the grade distribution of a given group of pupils who have spent the same number of terms in school. Thus, taking the group of 18,000 who on February 28 last were in their sixteenth term in school, we find them distributed from 2B to 10B, there being 1 pupil in 2B, 2 pupils in 3A, 11 pupils in 3B, 48 pupils in 4A, 77 pupils in 4B, and at the other extreme, 4,719 pupils in 8B, 998 pupils in 9A, 533 pupils in 9B, 12 pupils in 10A, 5 pupils in 10B. As we go upward through the grades, we find the number of retarded and also the number of accelerated pupils grow at the expense of the number of normal pupils. There is a decided decrease in the number of retarded pupils after the 6B grade, due to the elimination of retarded pupils, which the law makes permissible.''

Superintendent Ettinger commented on these findings as follows:

''Our school system is a growth and an inheritance. Our school of to-day is the successor of the ungraded school of older days, in which there was an attempt at class groups, group instruction, and semi-annual promotions. As distinct from such individualistic type of organizations stands the city school of to-day, with its uniform course of study, its series of grades or equal allotments of work to be covered by all pupils in equal times, and its semi-annual sorting and advancement of pupils on the basis of successful achievement. Both the organization and the procedure are based upon the assumption that all children have about equal mental ability, that they can progress through the grades on the basis of uniform treatment in about equal times, and that the kind of sorting at the close of the term to which we are accustomed—namely, classification on the basis of unstandardized, informational tests—is sufficient to insure pupil groups homogeneous as regards ability and achievements.

''Is it not worth while, therefore, to regard our work in a critical, impersonal manner and to ask ourselves whether or not we should continue unchanged systems of school management and instruction based upon such untenable assumptions? Although our present grading system is largely chronological and assumes that pupils of about equal ability and equal age enter at the same time and master subjects and progress at the same rate, we know that the truth of the matter is that pupils of a given class as ordinarily constituted are of widely different mental types, subnormal, dull, average, bright, or even precocious, are of widely different ages, have progressed at different rates, and differ very much indeed in the mastery of school subjects. In other words, while every important consideration, economic and pedagogical, makes homogeneity of the class group desirable, we still are far from the attainment of such a happy condition.

"Fortunately, I believe that the rapid advance in the technique of measuring mental ability and accomplishments means that we stand on the threshold of a new era in which we will increasingly group our pupils on the basis of both intelligence and accomplishment quotients and of necessity provide differentiated curricula, varied modes of instruction, and flexible promotion schemes to meet the crying needs of our children."[6]

The idea that mental tests and intelligence quotients should be used in grading pupils can be accepted without serious objection. They should be used as an aid, however, not as the sole criterion. They should be used in full recognition of their limitations, especially the errors often involved in their administration and interpretation. They should be used with a discretion and tact which will obviate misunderstandings and distress on the part of children and parents. The findings of the so-called group tests should never be regarded as conclusive in individual cases; no child should be pronounced mentally deficient without careful and prolonged study with the help of tests of the individual type. These considerations aside, it is manifestly a social waste and a wrong to children to try to educate exceptionally bright and exceptionally dull pupils in the same classes; special classes should be established, and it needs to be borne in the public mind that children of so-called moron intelligence can be trained, in some places are being trained, to become efficient workers and good citizens.

EXPERIMENTS IN RE-GRADING AND EDUCATIONAL GUIDANCE

An interesting discussion of classification of pupils in accordance with ability is contained in a report by Raymond Hugh Franzen, director of the Des Moines Educational Research Bureau, who says: "Experiment and the current of educational opinion point a prophetic finger toward classification. The experiment at Garden City proves that the association between Intelligence Quotients and Subject Quotients can be brought to almost unity, and therefore that any amount of classification in terms of accomplishment in subject matter is not only justifiable but imperative in order to reduce all disparity in any one age group to these unremovable individual differences which may be expressed as I.Q. A school which has been perfectly classified for two or three years will have groups all of the same age and of the same potential rate of progress, whose difficulties in arithmetic, spelling, and reading are of the same general level. This will afford the opportunity for enrichment of the curriculum to the degree essential and will make unnecessary any rapid promotion. Each class can stay in each grade one year. While one class will learn much there, another will learn little, because nature has been more generous in the neural endowment of the one than of the other.

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[6] The quotations from Dr. Ettinger are taken from the New York *Evening Post* and the New York *Globe.*

"In all other details the educational misfortunes of a curriculum and method not fitted to capacity are equal for both series of maladjustments. Whereas the subnormal child does not know what is going on and becomes restless, begins to cheat, troubles the teachers, and in some cases becomes openly rebellious, the supernormal child is bored and becomes restless and troublesome also, often developing a hatred and contempt of everything having to do with study. The one becomes sullen, the other conceited; the one tends to become an anarchist, the other "peculiar"; the one tempts criminal adventure, the other drifts into the life of a dilettante, they both tend to lose ambition, concentration, and initiative, all because the methods of study and the curricula are not adapted to individual differences. The children of neither group are certain of developing the moral stamina necessary for good citizenship, nor do they form good habits of study or accumulate such information as they might."

Gratifying results in reduced retardation and increased interest and enthusiasm of children in their school work are following the experiment in Public School No. 64, Manhattan, New York City, where all the 3000 pupils have been classified by means not only of psychological tests but of physical examinations. There are classes for superior or gifted children; for children slightly above the average in intelligence; for children of average ability; for children slightly below the average; for children who are dull-normal; for mentally defective children; for neurotic children; for anemic and undernourished children; for children with cardiac weakness or disease.

At the William T. Harris School, Manhattan, psychologists of Columbia University conducted a mental survey for purposes not only of classification but of educational guidance. They gave group intelligence tests to all the boys between the third grade in school and the eighth. They gave educational tests to find where the boys were in spelling, arithmetic, language and reading. They gave individual intelligence examinations to all boys in the eighth grade, to see how many of them were ready for high school. They took the boys who ranked high in the group tests from the fourth grade to the sixth and gave them individual tests, in order to select a ''Terman Class'' —that is, a class of the really gifted pupils in the school. They took the boys who ranked lowest in the group tests and made up an ungraded class for special attention. They made careful individual studies of boys whom the teachers had learned to know as special ''cases'' to see what could be done for them.

With the understanding that 100 I.Q. means the ''intelligence quotient'' that is exactly average, here in abbreviated form is Professor Leta S. Hollingworth's report of the survey: ''The school has not its normal share of the gifted children of the city, while it has much more than its share of the children who have less than average capacity of learning. Public School 11 has a great many boys who need vocational training, and who can profit relatively little from following the present prescribed curriculum for eight to ten years of their lives. The modal intelligence in this school lies between 85 and 95 I. Q., whereas in the juvenile population chosen at random the modal intelligence lies between 95 and 105 I. Q.

"In each class a very wide range of intellectual ability was found. In many of the classes the brightest boys were five or six years above the dullest in mental age. This was true despite the fact that the principal had already made a systematic effort to grade the school according to ability, as well as can be done by separating the over-age pupils from those who are average or young for the grade. In grade 8B a relatively small proportion of the boys gave promise in mental tests of being able to pursue high school work successfully. The selection of boys which recruits Public School 11 does not furnish an average amount of high school material. Between grades 4A and 6A were found thirteen boys with I. Q. of 120 or more. These were selected for a Terman class, and several boys between 110 and 120 I. Q. were added to complete the register, as required. The most intelligent of these boys stood as high as 146 I. Q. Several children who fell below 70 I. Q. were placed in the ungraded class by the department of ungraded classes, acting upon the evidence adduced."

The effect of the survey was excellent. The principal of the school testifies: "The mental survey in P. S. 11 proved to teachers and principal the necessity for a careful study of the natural and mental capacity of the children before beginning to educate them. It also indicated to those in charge of the boys in the school the desirability of grouping the children in order to meet their individual needs. The survey thus emphasized in our mind the aim of education—to give every child in P. S. 11 the opportunity to develop in harmony with his powers. In addition, it again impressed upon us the need of localizing the difficulties in the boys and diagnosing their capabilities."

The relationship of intelligence tests to educational guidance may be seen in the work going forward at the Washington Irving High School in New York City. This school is attended by girls. Miss Edith M. Tuttle, their adviser, says: ‘‘A study of typical cases seems to show that the girl of superior intelligence should be encouraged to prepare for college; that when we know a girl has average intelligence, we can arouse a feeling of pride that will stimulate her to success in commercial work; that for the dull, normal or low average group, completion of the academic course is very difficult, and success in college impossible; that in the borderline group there are girls with constructive and artistic ability who can succeed with handwork, though they will probably fail in abstract subjects or pass them only with great difficulty; and that for the high-grade feeble-minded or moron group, the high school can do almost nothing. These last are the victims of our educational system, which pushes them on into an environment where they cannot succeed.

‘‘It is very obvious to us that though a reliable I. Q. indicating the pupil’s level of general intelligence is the most important factor in predicting success in school subjects, and though the I. Q. is a very important factor in deciding what guidance should be given in any case, it is not the sole factor to be considered. Other factors are health, home conditions, tastes, ambitions, temperament, and character.

‘‘We have found the I. Q. to be the key to the understanding of our unadjusted pupils, but a key is useless without a door, and the door to adjustment is in the interpretation, not only of the I. Q. but of all the factors in any given case, by a teacher or other adviser who can find an answer to the question. ‘What can be done to help this girl or boy?’ To find out that the I. Q. is 75 or 85 and to say, ‘You have not the ability to do the work of the course you have chosen,’ and to stop there, would be worse than useless, just as if a physician said to a patient, ‘You have tuberculosis,’ and walked away without advising the patient what to do. We must ascertain not only what our pupils cannot do, but by understanding and patience, and by as much modification of school courses as is necessary, we must ascertain what they can do and let them do it."

Effort is made at Washington Irving School to carry out these ideas. It is desired that every girl get the most possible from attendance at high school, whether she stays four years or only a few months; and the wise policy is followed of not urging every girl to remain in school regardless of the circumstances of the particular case. The results from guidance in 143 "problem cases" may be briefly summarized. Forty-eight pupils are following advice to modify or change their courses; sixteen have not yet followed such advice but probably will; 52 are continuing in the same course for the present under careful supervision; four have definitely refused to take the advice given. In twelve cases no change of course is necessary, because of good results obtained from care of health, encouragement to greater effort, and other influences. Eleven pupils have been guided out of high school into suitable occupations.

VARIETIES OF SCHOOL MEASURES

A recent study of non-promotion, made by the Toledo (Ohio) Consumers' League, revealed the fact that one child in every six fails of promotion, and that there is wide variation in the percentage of children failing in the different schools and in different grades of the same school. The report recommends that a detailed study be made of the causes for non-promotion and for the striking decrease in enrollment from the first to the eighth grade; that an attempt be made to establish more definite standards for rating scholarship; that promotion periods be shorter. It also recommends several changes in school administration destined to increase the interest of the child in his work, thus eliminating one cause for non-promotion. These recommendations include the adoption of the junior high school form of organization; the employment of more men teachers in the upper grades of the elementary school; the employment of special teachers for children who have fallen behind in their work; the employment of visiting teachers; greater use of public libraries, the Museum of Art, and other educational facilities which the city affords. All of these changes, it believes, will be facilitated by the creation of a Vocational Guidance Bureau which would serve as a child-study laboratory, and include also in its duties the enforcement of the attendance law, the issuance of work permits and statistical work.

The problem of retardation, even from a very brief consideration of its factors and phases, appears to find a partial solution in flexible grading, a flexible and varied curriculum, and proper educational and vocational guidance. But the lack of these things in full and effective operation is one of the many causes of the actual retardation that we find in the schools to-day. Some of these causes have already been considered. To the list might be added the unfavorable physical environment in which so much of the educational enterprise is carried on—poor buildings and poor equipment. Improper physical conditions are a direct menace to health, and a cause of educational inefficiency, handicapping both teachers and pupils. ''It is inhuman,'' writes William Mather Lewis, ''to compel children to go to school six hours a day in buildings where improper lighting ruins the eyes, wrong seating twists the back and poor sanitation promotes disease.'' Dr. Robert M. Legge says that in the opinion of competent investigators one-half of the school buildings in this country should be destroyed on account of improper sanitary conditions. Health is the basis of efficiency in school and later life, we must not injure it in the schools; we ought to safeguard and promote it in every possible way.

The junior high school plan, referred to in the Toledo report, has been found to have a favorable effect on the retention of pupils at the age when ordinarily they are making the break with school in large numbers. It combines in a continuous course the work of the later grades of the elementary school and the early grades of the regular high school, thus bridging the "critical period" of school withdrawal.

"Opportunity classes" have been established in some cities for post-elementary instruction of pupils who are not expected to complete the high school course. An announcement of a decision to establish such classes in Cincinnati high schools was accompanied by this explanation: "Each year the elementary-school principals are confronted with the problem of passing upon the promotion of pupils of weak ability and approximately normal age, or of average ability and over-age. Retaining such pupils in the eighth grade another year would seem unprofitable. At the same time, it is likely that these pupils will never complete a four-year high-school course. Many will enter high school only to remain until they become sixteen. Others will enter with the intention on their own part or that of their parents of going through high school. All are under the influence of the social prestige attaching to being in high school, and in many cases this is strong on the part of parents also. The usual four-year courses now offered are not well fitted to serve the needs of these pupils and, as a general thing, would be too difficult for them to accomplish with even a reasonable period of years longer than four. As a consequence, the program of such pupils will be modified so as to give them, probably, preliminary training in office practice (other than the bookkeeping and stenography of the present four-year commercial course), as well as opportunities in the manual training shops, in the household arts laboratories, and even special courses in mathematics, history, and the like."

Opportunity classes of a different and more common type are found in the Cincinnati schools, embracing children in the grades who are below average in ability, but above the limits of actual mental defect, and a few who are average or even somewhat superior in ability, but nevertheless are retarded in school. These children are assigned to opportunity classes with the idea that they will make up what they have lost and be returned to the grades appropriate to their ages. An "observation class" was established under the psychological laboratory of the Vocation Bureau for intensive study of selected children who had fallen behind their normal grades in school, for retrieval of the failure if possible and return of the child to a regular grade, or alternatively for the placement of the child in the special class in the school system best suited to his needs. Several observation classes are now functioning; the number of opportunity classes and of special classes is on the increase.

QUALITY OF SCHOOL INSTRUCTION

We must consider, among the causes of retardation and of early school-leaving the poor quality of instruction given in many of our classrooms by ill-trained and often sadly incompetent teachers. The National Education Association recently published figures showing that out of about 600,000 public-school teachers in the United States approximately 30,000 have had no education beyond the eighth grade of the elementary school; 100,000 have had less than two years' education beyond the eighth grade; 200,000 have had less than four years' education beyond the eighth grade; 300,000 have had no more than four years' education beyond the eighth grade; 300,000 have had no special professional preparation for the work of teaching. In many parts of the country, school teachers receive no more than $40 a month. The public is beginning to realize that no community can afford to have its children taught by underpaid and inadequately prepared young men and women. A number of states have secured legislation establishing a minimum salary of not less than $1000 for all teachers in the state. In other states $1200 has been fixed as the minimum salary for elementary school teachers.

A pressing need is better teachers, better paid. Better teachers mean better schools, and on the whole better salaries mean better teachers. The crime of teachers' salaries is a woeful blot on our civic escutcheon. Little vitality can be expected in a school with a poorly paid, poorly trained, poorly minded teacher. We find her teaching textbooks instead of children and we find the children getting tired of school. Let us cite an example of textbook teaching as recorded by an agent of the National Child Labor Committee. "A fifth grade history class was reciting. The teacher asked the question: 'How did Abraham Lincoln spend his early years?' Immediate interest was shown and hands waved in the air. The teacher called on a small boy who volunteered, 'He spent his early years a-readin'. Sometimes he'd read all night.' The teacher was visibly annoyed. 'No, that's wrong. Doesn't anyone know the answer?' This time only a few hands responded, but one little girl timidly suggested that 'he spent his early years working hard in the daytime and studying at night by the fire-light.' At this the teacher closed her book, delivered a sharp lecture on their lack of preparation and gave the correct answer: 'Abraham Lincoln spent his early years in hardship.' " That was the only acceptable answer, just as it appeared in the textbook.

It happened in a rural school. Follows an example from a city school. A geography class was reciting:

Teacher: Now we will talk about rivers. What has a river?

Children: A river has a bank.

Teacher: Yes, children, a river has a left bank and a right bank. Repeat it after me.

Children: A river has a left bank and a right bank.

Teacher: Now, what else do you know about rivers? (Silence.)

Teacher: Every river has a beginning and an ending. Repeat it after me.

Children: Every river has a beginning and an ending.

The recitation then continued on other questions in the textbook. No further explanation of rivers was given.

Too often, as Miss Gertrude H. Folks reports in a chapter contributed to "Rural Child Welfare,"[7] the teachers do not know even the fundamentals of the art they are supposed to be practicing. In one school visited by Miss Folks the teacher was conducting a geography class as follows. Teacher, reading from the book: "Brazil is a country in South America." Looking up, "Isn't it?" and the children would nod their heads: "Yes." Reading: "Coffee is one of the chief exports of Brazil. Isn't it?" Again the children would nod their heads. This routine was followed throughout the recitation. In another school the teacher called the class in physiology and opened the lesson by saying to the children: "Sposin' you tell me all you know 'bout the nervous system, and I'll sit here and listen at ye." In a third school the class was "learnin'" South America, and Chile was pronounced by the teacher as a word of one syllable to rhyme with "mile"!

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[7] *Rural Child Welfare,* by Edward N. Clopper, and others; chapter on "Schools."

There is much discussion nowadays about a vitalized curriculum. A vitalized curriculum is one that makes school life more active, more full of immediate meaning, more closely connected with out-of-school experience. It is not necessarily one that is designed for industrial or vocational training, as such. It is one that builds on the child's instinctive tendencies and his acquaintance with life. It provides the child with the occupations, activities, and experiences necessary at each stage of development for his unfolding at that stage. A right occupation, in school or elsewhere, means, to borrow the phraseology of John Dewey, that the aptitudes and abilities of the individual are in adequate play, working with the minimum of friction and the maximum of satisfaction. "The place of conscious direction in education," says this writer, "is to furnish the time, place and materials which will draw out the best interests of children." The vitalized curriculum will give the work instincts and interests the same scope in school that is sought in industry, and the social instincts the same scope that they have on the playground. It will allow scope to the spirit of inquiry, adventure, and exploration. School life will be then not only more interesting, but more educative; not only more satisfying, but more valuable.

In solving the problem of poor school attendance and early school-leaving, mere compulsions and prohibitions through school-attendance and child-labor laws are not enough. We must give the schools a greater holding power of their own. Compulsory and prohibitory laws and their better enforcement will not do away with maladjustment and lack of interest in school work. They will not prevent children leaving school just as soon as the laws allow, nor eliminate that tragedy to which Frank M. Leavitt refers in these words: "Studies relating to the subsequent vocational experiences of school laggards lead to the conclusion that the schools have not only failed to awaken in large numbers of their pupils an interest in study but have engendered a distaste for work of any kind, particularly for manual work. These young people seem to have received no training in the schools which helps them to cope with the peculiar difficulties of their social and economic environment, but, on the contrary, it appears that the attempts to 'educate' them have actually contributed to their failure in the industrial world."[8]

THE VISITING-TEACHER MOVEMENT

The Public Education Association of New York has just published a report of a survey of the work of visiting teachers made by the National Association of Visiting Teachers and Home and School Visitors. This report gives a complete and interpretative account of this work as it has been developed in various communities. The results which are being achieved suggest that this is one means by which a closer relation between the school and child welfare activities may be realized. The idea of the visiting teacher was first put into practice fifteen years ago in New York, Boston and Hartford. Since that time it has spread to 28 cities in 15 states, generally distributed over the country. In some other communities a similar type of work is being done but under a different name. Although the work of the visiting teachers in these cities has been developed independently and differs somewhat in character, it has a common purpose—with the child as the center of interest, to bring together the home and the school. The visiting teacher exists primarily for "problem children"—those who for some reason have not been able to make the proper adjustment at school. It differs from the work of the attendance officer and the probation officer, however, who likewise deal with this type of child, in that, if successful, it reaches these children before they are known to the attendance officer or the probation officer—in fact, it forestalls the need of their intervention.

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[8] *Examples of Industrial Education,* p. 8.

Cases involving maladjustment in scholarship constitute the type most frequently referred to the visiting teacher, and on this point the report states: "Among the causes for deficiency in lessons due to conditions outside of the school that are most frequently mentioned in the reports are: After-school work, excessive housework, exhausting 'finishing' or other factory home work; lack of time for recreation, rest and study; lack of parental control leading to late hours and bad companionship; indifference of child or parent toward school progress, or ignorance of child's class standing; no place to study; poor nutrition; unhygienic living; neurotic disorders; nervousness caused or aggravated by financial difficulties or domestic quarrels. With all these factors the visiting teacher copes. When she has discovered the cause, her next step is to adjust it." The readjustment, of course, is an individual matter and requires cooperation with various social agencies—both public and private. In one instance the visiting teacher secured financial aid for a widowed mother whose 12-year-old boy was contributing to family support by working all night as a truckman's helper, retiring at 6 a.m., and snatching his sleep before and after school.

Types of cases handled include adverse home conditions, irregular attendance, misconduct, lateness and physical condition. For all the visiting teacher must determine the basic trouble, and, working through the school, the home and the outside agencies, seek to adjust it. She not only steps in when there is something obviously wrong, but is on the watch for any situation which if ignored might lead to trouble. She interviews the child who is leaving school prematurely, and if economic necessity is not the real motive, seeks to find educational facilities adapted to his need; she gives vocational advice to those entering employment; tries to find the right place in school for the precocious child; recommends suitable recreation for after-school hours. Hers is the problem of child labor, of school leaving, of recreation, delinquency, health, home conditions—there is no phase of child welfare with which she does not come in contact. There is likewise no phase of child welfare that the child-labor problem does not touch.

In the report already mentioned this paragraph occurs: "Many children would end their school days upon graduation from grammar school, were they not persuaded by the visiting teacher to continue into high school. Many parents are misinformed regarding high school, or know nothing of the advantages open to those who have had secondary and college education. The visiting teachers connected with high schools meet with the same tendency for children to drop out of high school during the restless period of adolescence; but through a sympathetic recognition of their difficulties keep many from giving up their course. A little timely advice, extra help in lessons, or suggestions for a more congenial course of study arouse a new enthusiasm and throw the balance in favor of education." Every year a million boys and girls drop out of school at fourteen or fifteen, but a large proportion, if they could be kept from making the break with school at this time, would stay on for a number of years. Once the break is made, however, it is usually irrevocable.

VOCATIONAL GUIDANCE AND PLACEMENT

School or work? That is the issue that usually arises in our minds as we consider the problem of early school-leaving, and the commonest answer is, "School." But instead of a contest between school and work there should be cooperation. The schools should educate *in* work and *for* work. It is their function to give school-leavers the best possible start in their careers as wage-earners. The best possible start implies, among other things, a postponement of the usual age at which children leave school to go to work. That postponement suggests various methods: child-labor laws, compulsory school-attendance laws, vitalization of the schools, increased flexibility of curriculum, efficient educational and vocational guidance. One of the services which good vocational guidance can and does render is to show children the advisability of staying longer in school. The Vocational Bureau of Chicago has retained in school between 25 and 30 per cent of the children who expected to leave to go to work, simply by telling them and their parents of the poor opportunities open to boys and girls under sixteen years of age, and impressing them with the greater and more varied opportunities open to those who have had training beyond the elementary grades.

The chief of the Philadelphia Junior Employment Service, conducted cooperatively by the Board of Education and the White-Williams Foundation, writes: "Sometimes a direct contact with a member of the child's family solves the problem. With the definite information that employers do not want girls under sixteen for office work and are not eager to have a stenographer without high school training, it is possible to convince a mother that her fourteen-year-old daughter should return to high school rather than go to work and take a business course at night. One father insisted that his boy go to work and then later came tip-toeing back to say: 'Don't get that boy a job. I just wanted him to hear you argue with me in favor of school.'

But the majority of the applicants in a junior placement office ultimately find their way to a job. For the youthful worker, the position not too far from home, not too severe on health and strength, not too difficult of performance is advisable. Interesting work suited to the particular ability of the individual, careful training, an opportunity for advancement, satisfactory pay, steady employment, sound 'industrial relations' are to be desired for all. In turn the job looks for conscientious service, ability or special training for that particular work, the appropriate age and strength, suitable personality, and a spirit of cooperation.''[9]

Vocational guidance and placement must pay attention to health dangers. Three-fourths of our school children have physical defects and ailments—most of them preventable or remediable—of sufficient seriousness to constitute a handicap or menace to the child's welfare. This fact points not only to the need of health service in the schools, but to the importance of guarding the child's entrance on industry in such a way as to prevent his undertaking work for which he is unfitted either by lack of strength or by reason of special defect or ailment. It is obvious that a girl with latent tuberculosis should not be allowed to go to work in a cotton mill, or a boy with a heart lesion to take a job requiring heavy lifting. The school officer or other person giving guidance must know the child from the health standpoint, also the hazards of different industries and occupations. Here his function comes into close relations with the school or public health physician, and with the officer issuing employment certificates. On a good certification system depends very largely the safeguarding of children on their entry into industry. No certificate should be issued except on adequate proof of age, determination of the applicant's health status, and knowledge of the particular work which the applicant is to undertake. The applicant should have a written promise of a job before the certificate is issued, and the certificate should go to the employer, to be returned by him to the issuing officer when the job is changed or the child wishes to go to another establishment. It should not be re-issued without investigation of the new job, and the opportunity should be seized for re-examination of the child. A child who is temporarily without employment or for whom a certificate is not in force, should be obliged to attend school, and should receive such medical care and advice as his needs may require. Legislative standards for certification, and health examination and supervision, will be considered in the next chapter.

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[9] Dorothea de Schweinitz, ''The Place of Social Case Work in the Junior Employment Service,'' in *The Family,* June, 1922, Vol. III, No. 4, p. 87.

CONTINUATION SCHOOLS

Under present conditions children after they have once left school and gone to work seldom return. If they are unemployed they may prefer idleness and freedom to the school routine and discipline, or they are deterred by a natural disinclination to return to the classes where they left off, their former mates having passed on to higher grades and their places taken by younger children. The problem of the unemployed child is a difficult one from the standpoint of school administration. Some states require that the child attend school unless he be at work. But, as Dr. Woodbury says: "Without special schools to meet the special needs of working children, it is hard to fit the children who are out of work into the regular school classes, and almost impossible to enforce the school-attendance law so far as concerns them. With compulsory continuation schools for all working children these difficulties would disappear and the unemployed children could be given additional training along their chosen lines during the periods while they are out of work. . . . With such a system the problems both of administrative control and of educational training are greatly simplified, since the child attends the same school when unemployed or when employed."

Continuation schools, under state law, have been established in many cities, and attendance of working boys and girls is required a few hours each week on the employer's time. Their primary function is educational—in a double sense: first, to continue the education of the boys and girls who leave school when they reach employment-certificate age; and second, to keep them under the supervision and control of school authorities during the first critical years of their working lives when they most need protection.[10] Continuation schools at their best can perform many valuable functions: in particular, correlation of school instruction with the outside occupations of the pupils; vocational counsel; and health examination and supervision. The latter has not yet been adopted as an integral part of the continuation-school service, but several notable studies of health conditions among boys and girls attending continuation schools have been made, showing not only the importance of health examination and guidance on going to work, but also the great opportunity for ministering to the health needs in the continuation as well as the regular schools.

Dr. George P. Barth, director of school hygiene in the

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[10] Wisconsin has amended its continuation school law by requiring half-time attendance after the beginning of the school year 1923-24. This is a time distribution equivalent to that obtaining in the typical cooperative school, which gives school training to one set of students for a week, then sends this group to work in some industry and takes in another group that has been employed in industry the preceding week. There is thus rotation from school to industry, from industry to school, with alternation of theory and practice. The typical cooperative school takes students and finds a place for them in industry, while its curriculum is primarily designed to increase technical efficiency; the typical continuation school takes children already at work, gives them more schooling, superimposes its curriculum upon the shop work without interfering with the work itself, and stresses the social aspects of industry and life. The former is usually voluntary, with regard to both students and employers; the latter calls for compulsory attendance on the employer's time. Some educators look for a type of school in which many of the distinctive features of these two types will be brought together with modifications and extensions.

Milwaukee schools, gives some striking figures for illness and defects among school children. A physical examination of 88,444 children in the regular schools in Milwaukee shows that 10,851 had a physical defect serious enough to require correction. An intensive survey of absentees from school made by the Attendance Department and the Hygiene Department during the month of February, 1917, shows that 147,258 half days were lost by the children. Of these, 121,077 or 78.3 per cent were due to sickness, and 26,251 to other causes. A study of 6388 children in the Milwaukee Continuation School made by the Attendance Department shows that 56.9 per cent of the working children went to work between the ages of fourteen years and fourteen years and six months. This study shows that there are 12,000 children between the ages of fourteen and seventeen working at this time in Milwaukee. Twelve per cent are absent daily from their work. Seventy-six per cent of this absence is due to illness. Sixty per cent of this illness is preventable. The average wage for child labor is $8.13 per week, $422.86 per year. Consequently $253,716 is the wage loss annually to children because of some preventable sickness.

Dr. H. H. Mitchell, of the staff of the National Child Labor Committee, studied the health of working children attending the continuation schools of Newark, N. J. The purpose of this study was not so much to throw light on the question of a higher age minimum than fourteen for entry on employment as to point the need for some form of health service in behalf of working children of whatever age. Twelve hundred working children were examined. Malnutrition was found in 6 per cent of the boys and 9 per cent of the girls. Among the boys with defective vision on first going to work 68.6 per cent cases had grown worse, while among the girls 57 per cent cases had grown worse. Among the children who had gone to work with no dental defects, 50.9 per cent of the girls were found to have defects at the time of Dr. Mitchell's examinations. Dr. Mitchell found that 5.1 per cent of all the boys and 12.6

per cent of all the girls had tonsillar diseases or defects which required attention, while 3.9 per cent of the boys and 5.4 per cent of the girls had some organic heart condition which should have been under the observation of a physician. Dr. Mitchell's study in Newark was continued by Dr. Mary Reesor, who, in the Girls' Continuation, found not only a startling amount of physical defects and illnesses, but a deplorable ignorance of the very fundamentals of personal hygiene.

Dr. Iago Galdston has recently completed a health study of 2025 boys in the East Side Continuation School, New York City. He comments, ‘The ignorance of the boys on health matters is most astounding.’’ The defects discovered among these young workers were:

Cases of active pulmonary tuberculosis	3
Cases of active tuberculosis of the joints	1
Boys already excluded from school on account of tuberculosis (not examined)	3
Suspected cases of tuberculosis sent to Gouverneur	30
Cases of cardiac murmur—organic and functional	185
Malnutrition—10 per cent or more	415
Decayed teeth	987
Defective vision	553
Enlarged tonsils (and diseased)	962
Nasal obstructions	103
Ear defects	40
Orthopedic defects	53
Skin defects	157
Glandular defects	19
Variococele	60
Hernia	53
Total Defects	3623

Only 195 of the 2025 were without evident physical fault.

The continuation school offers a chance to train boys and girls for healthy, efficient adulthood, and to correct physical defects and hygienic faults. It offers the last chance for the school system to render health science to those who have already left the regular schools. Many of them are in occupations especially unsuitable in view of their general physical conditions or of some special deficiency, and most of these are not getting the medical treatment or hygienic advice that they ought to have.

IMPROVEMENT OF RURAL SCHOOLS

It is true of all the developments in modern educational practice that we have mentioned—vital curriculum, educational guidance, vocational training and guidance, health examination and service, continuation schools, etc.—that as yet they reach but a very small fraction of our 25,000,000 school children, to say nothing of the five million boys and girls of school age who are not in school. Some of these things are very difficult to provide for rural schools. Consolidation of rural schools, with transportation for pupils, is helping in the direction of better equipment, better instruction, better attendance. Little one-room schools, here and there, are feeling the influence of better training of teachers for rural work, and we have some inspiring examples of live community schools like that in Porter township, Missouri, described by Miss Evelyn Dewey in ''New Schools for Old.'' New Jersey has ''helping teachers'' who go about the state giving aid and professional inspiration to teachers in the country schools. Poor relief in the country is very inadequately conducted, but hope is seen in the development of real juvenile courts in rural counties, and in the county system of welfare administration which North Carolina exemplifies. A superintendent of public welfare in each county serves as school-attendance officer, employment-certificate officer, and probation officer of the juvenile court. By combining these and other functions in one person it is possible in rural counties with sparse population, or even in small groups of counties, to secure the services of a full-time, well trained rural social worker. Another development is the county health unit, with a full-time health officer and staff of assistants and nurses. This makes possible physical examinations in the schools, and a certain amount of follow-up work in the school and the home. It also makes possible the physical examination of applicants for employment papers by a qualified public officer, rather than by private physicians.

Rural school administration is being improved in many ways, to the great advantage of teachers and pupils—notably in establishing county superintendencies on an appointive and professional basis instead of the elective, political basis, and in the extension of real supervision to the rural schools. The marked improvement of rural education in North Carolina in the last ten years is largely due to the county unit of administration. The one-room schools are being replaced by consolidated schools where the change is feasible and desirable; the number of teachers has doubled, and the pay of white teachers has trebled.

Through the Smith-Hughes Act the federal government has aided the states to help communities develop agricultural (and industrial) classes. The proposed Sterling-Towner bill now pending in Congress would have its greatest effect on rural schools. This bill provides an annual appropriation of $100,000,000 for the establishment of a federal department of education, and for dollar-for-dollar subsidies to states appropriating money for certain educational purposes—including the teaching of illiterates ten years of age and over; the lengthening of school terms; the training of teachers; the raising of teachers' salaries; the promotion of recreation, physical education, medical inspection, and the employment of school nurses. Federal aid is available under terms giving a stimulus to state initiative and effort.

In view of the controversy over the federalization of education which some opponents of the bill seem to fear, we shall quote the provisions explicitly safeguarding the control of the schools by the several states taking advantage of federal aid. The measure provides that "all the educational facilities encouraged by the provisions of this Act and accepted by a State shall be organized, supervised, and administered exclusively by the legally constituted State and local educational authorities of said State, and the Secretary of Education shall exercise no authority in relation thereto; and this Act shall not be construed to imply Federal control of education within the States nor to impair the freedom of the States in the conduct and management of their respective school systems.'' At the end of each section authorizing an appropriation is added a further specific provision, ''that all funds appropriated'' for the particular purpose specified ''shall be distributed and administered in accordance with the laws of said State in like manner as the funds provided by State and local authorities for the same purpose, and the State and local educational authorities of said State shall determine the courses of study, plans, and methods for carrying out the purposes of this section in said State, in accordance with the laws thereof.''

Can the federal government afford to spend more money on American schools? Out of the total appropriation of over five billion dollars in 1920, 92.8 per cent went toward war expenses, past and present, 3 per cent to public works, 3.2 per cent to ''primary governmental functions,'' and 1 per cent to education, research and development. ''The total budget,'' said Dr. Edmund B. Rosa, ''is about fifty dollars per year per capita, of which *fifty cents* per year per capita is expended for the wide range of research, education and developmental work.'' And of this fifty cents per capita just 13.5 per cent is devoted to education, 7.1 per cent to public health, and 1.1 per cent to the Bureau of Labor Statistics, the Children's and the Women's Bureau. Dr. Rosa goes on to say: ''Whereas cities spend an average of $6 per year per capita for education, and the states and private agencies about $3 a year per capita, *the federal government spends only 6 cents per capita per year, including sums expended in vocational education and assistance granted to colleges of agriculture and mechanic arts.''*

Let us see what all agencies, federal state and local, spend on schools, and what is paid for luxuries. The latest complete school figures are for 1918, when the grand total spent in the whole United States was $919,729,258. For 1920, the amount was probably about one billion, but for the same period we spent $22,700,000,000 for luxuries, according to the federal tax returns,—twenty times as much for luxuries as for schools, and more for luxuries, according to Dr. P. P. Claxton, "than we have spent in America for education in all the 300 years there have been schools on this continent. A saving of five per cent on our annual bill for face powder, furs, soft drinks, cigarettes, cigars and chewing gum and a few other things would make it possible to double the expenditure for education in the United States." Assuredly we cannot afford not to spend more money on schools. We cannot afford not to have the best schools that money can provide.

"A billion dollars that might have gone for battleships or to increase the army, or for tobacco, or to increase the efficiency of the boot-legging industry, or to supply needed capital for the equipment of railways, has gone into teaching of millions of children!" So exclaims a writer in *The New Republic.* What's the matter with our sense of values? Our best public schools—those approaching adequacy—cost between $250 and $300 a year per pupil. If all the 25,000,000 school children had schools like these, we would have to spend not one but five billion dollars yearly on education.

America is not risking bankruptcy by spending on the public schools two per cent of the national income. The total expenditures for public education in New York State in 1922 was approximately $188,500,000. The annual income of the State is approximately $9,000,000,000. The total wealth of the State is $35,000,000,000. Dr. Frank P. Graves, state commissioner of education, shows that if the total expenditure for education were $210,000,000 it would mean a tax of only six-tenths of one per cent of the total wealth of the state.

The plight of the rural school, the relative inefficiency of the rural school as compared with the urban, has been the subject of much discussion in recent years. The social magnitude of the rural-school problem is suggested by the following general statistics: The total population living on farms in the United States is 38,000,000. The total number of adult men engaged in farming is 8,000,000. The population living in villages (centers of less than 2500) is 11,000,000. Eighteen million—sixty per cent—of the children under fifteen years old in the United States live in these villages and on these farms. The number of children enrolled in one- and two-teacher rural and village schools is 8,000,000, or nearly one-third of the total. The number of one- and two-room rural school buildings in the United States is 200,000. The total number of rural teachers—just half the teaching population of the nation—is 300,000. There is a Negro phase of the problem, with 2,000,000 Negro children of school age. Eighty-five per cent of the 12,000,000 Negroes in America live on the land.

The expenditure for rural schools is much less than for urban. Dr. H. R. Bonner, of the United States Bureau of Education, in his "Statistical Survey of Education, 1917-18," gives some significant figures. The annual per capita expenditure for each pupil enrolled in the city schools is $40.60, while the rural schools spend only $24.13 for meeting the cost of each pupil. These per capitas relate only to current expenses and do not include amounts spent for new buildings, grounds, and new equipment. This is true also of the figures that Dr. Bonner furnishes as to per capita cost on the basis of the number of pupils in average daily attendance. On this basis the per capitas become considerably higher, but the discrepancy remains: For city schools, $51.57; for rural schools, $33.67. Taking into account the shorter rural term, it is found that the average daily cost—or expenditure—is 28 cents for city schools and 23 for rural. The average amount spent for permanent improvements in city schools is $7.16 and in rural schools, $4.82 for each pupil enrolled. On the basis of average daily attendance these figures become $9.10 and 6.73. When these averages are divided by the length of the school term, they each become 5 cents per day. "From these comparative figures it is apparent," says Dr. Bonner, "that the city child is better housed than the rural child."

In Missouri, in 1917, the following was the situation with regard to school support:

Annual expenditure per city school child	$ 52.00
Annual expenditure per rural school child	20.00
Investment in school property per child (urban)	123.00
Investment in school property per child (rural)	25.00
Tax rate per hundred dollars (urban)	1.24
Tax rate per hundred dollars (rural)	.62
Average annual salary of urban teachers	800.00
Average annual salary of rural teachers	356.00

The situation as to personnel operates to the disadvantage of the rural child. In 1918 the average annual salary for all elementary teachers was $630, but for rural elementary teachers it was $500. In a study made in 1919 of three typical countries in every state, A. O. Neal of the United States Bureau of Education found that 40 per cent of the rural teachers in the United States receive less than $600 per year; 24 per cent less than $500; and 11 per cent less than $400; while only 5 per cent receive $1000 or more. For every one dollar the city child has invested in his teacher the rural child has only 55 cents. It is not at all surprising, in view of these figures, and of the living conditions which rural teachers have to endure, that three-tenths of all rural teachers, or about 90,000, leave the field annually, and at least two-thirds remain not more than one year in the same school. Of course there are many reasons for this labor overturn among rural teachers, but these two are important factors.

The educational and professional preparation of the rural teachers is less than that of their urban colleagues. Of the rural teachers in America 50 per cent, or 150,000, have not completed a four-year high school. Ten per cent, or 30,000, have finished only the seventh or eighth grade of the elementary school. One-third, or about 100,000, have had no professional training whatever. Less than 2 per cent are normal school graduates and only one-tenth have had special training for their work. In New York State 5 per cent of the rural teachers have had normal training, as compared with 80 per cent of the city teachers. In one county in Kentucky, at the date of a recent survey, 24 out of 87 teachers had not gone beyond the eighth grade. In another county in the same state 70 out of 101 had received only a common-school education. In still another county six teachers had lately returned to a school as pupils to be drilled in the work of the eighth grade. Out of 150 rural teachers interviewed in various parts of the state, 48 had received only an eighth-grade education, 15 had graduated from the elementary school and taken one term at normal school, 17 had had two terms at normal school, and 15 three terms. Only nine were normal school graduates. One teacher had had a year in high school, 24 had had two years in high school, and 8 two years in high school with a term at normal; 10 were both high school and college graduates. ''The typical country school teacher,'' says the Bulletin of the National Educational Association, ''is an eighteen-year-old girl, with a tenth-grade education, who stays one year in a place, and whose only supervision is one or two visits annually from a county superintendent with little or no professional training himself.'' There are 30,000 Negro teachers in the United States, half of whom have had no education beyond the sixth grade of the elementary school. The average yearly salary of all Negro teachers in rural schools in 1916 was $129.

''Most rural schools,'' says the Bulletin of the National Education Association, ''are held in poorly furnished, one-room buildings, where recitations are but ten or fifteen minutes in length, and only meager elementary instruction is given, with nature study, manual training, home economics and even agriculture omitted.'' This statement of facts is supported by the report of a Committee of Twenty-One on a ''Rural School Survey of New York State,'' in which it is set forth that school buildings in rural districts are below the standard of requirements which might reasonably be expected, and that time and energy are wasted on the teaching of subjects for which the pupils have no use and in which the instruction is not thorough-going enough to be of value. A careful study of school buildings in thirty-seven supervisory districts showed that the average was far below a reasonable standard. The report, giving 1000 points as a reasonable standard, showed that some school buildings received as low as 320 points, while the average was but 604. Light conditions in most schools were found to be poor. In 16 per cent of the schools the students were seated facing the light, and their eyes were under a constant strain.

The committee also found that there was not sufficient adaptation of the course of study to the problems of rural life. Too much attention, it said, was paid to foreign languages, higher mathematics, and too little attention to reading, writing and arithmetic, and to studies from which children living on farms would derive most benefit.

Further to describe the rural school situation, let us consider the facts relative to term and attendance. The average urban school term is 184 days. The average rural term has in the last few years been lengthened from 137 to 144 days, but still it is nearly two months shorter than the city term. The rural child thus loses 40 days a year by comparison with his urban cousin, amounting to 320 days during the elementary course, or about two of the average school years for the country at large. But he loses more than that, for the average daily attendance in rural schools is 65 per cent, while that in urban schools is 80 per cent. The percentage of all urban pupils completing high school is almost six times the percentage of country children completing high school.

The report prepared by Howard G. Burdge for the New York State Military Training Commission reveals the fact that rural children do not progress in their school work as well as urban children, who have better instruction, and better facilities, and attend school more regularly. In the study here cited data were obtained regarding the education of the 16-, 17- and 18-year-old boys of the state. Only one in seven of these boys was in school. Of the 147,925 employed boys—those no longer attending school—

14,529 were farm boys. The median age at which the boys had left school varied little with the size of the place in which they lived. In New York City it was 15.5 years, while the farm boys left at the median age of 15.8. The following table shows the per cent of employed boys who had completed the eighth grade before leaving school:

Farm boys	41.5 per cent
Places under 5000 population	47.9 per cent
Villages over 5000 population	49.7 per cent
Cities under 25,000	49.8 per cent
Cities over 25,000	55.6 per cent
Greater New York	61.5 per cent

The next table from the Burdge report shows the median grade completed by boys from communities of varying size:

Farm boys	7.7 grades
Places under 5000	7.9 grades
Villages over 5000	8.0 grades
Cities under 25,000	8.0 grades
Cities over 25,000	8.2 grades
Greater New York	8.3 grades

Still another table shows the varying lengths of time required for boys to complete a grade in school:

Farm boys	82.8 per cent of a grade per year
Boys in places under 5000	84.9 per cent of a grade per year
Boys in villages over 5000	85.1 per cent of a grade per year
Cities under 25,000	86.9 per cent of a grade per year
Greater New York	92.2 per cent of a grade per year

The General Education Board, in a report on "Public Education in Kentucky," gives the results of a series of tests in reading, spelling, arithmetic and history given to 16,700 pupils, and says: "The real situation with respect to the work of the rural schools is not revealed unless the ages of the pupils are considered in connection with their achievements. Pupils in the city schools and in the larger rural schools are younger grade for grade than the pupils in the small rural schools. Rural fifth grade children are on the average a year and seven months older than city children. In the eighth grade there is a difference of thirteen months. When differences in age, and the combined achievements in reading and arithmetic are taken into account, rural children in one-room schools are really two and a half years behind city children. Though the tests show steady improvement as the number of teachers increases, even so, rural schools with six or more teachers are two-thirds of a year behind city schools.''

The Journal of Educational Research presents a brief report of ''A Comparative Study, by Educational Measurements, of One-Room Rural School Children and City School Children,'' by J. Crosby Chapman of Yale University and H. L. Eby of the University of California. The nature of the problem is stated as follows: ''A great deal has been written on the relative advantages of rural and city schools. Certain merits of the former have been emphasized in what at time appears to be an attempt to prove that the individual instruction of the ungraded school compensates for the greater proportion of time spent in teaching and the general superiority of instruction in the city schools. However great may be the desire to establish the claim that there is equality of opportunity for pupils of both schools, the only proof of it rests upon a careful comparison of the work of typical schools of each group.''

The results of the study are thus summarized: ''An unselected group of 71 children from one-room one-teacher rural schools, ages distributed from eleven to thirteen years, in northern Ohio, was compared with a similar group of children in an average large city (Cleveland) school by administering nine psychological and educational tests. In the tests of abilities which are relatively independent of school training—namely, cancellation, substitution, opposites, and spelling, there were but small differences in the attainments of the two groups; but in the remainder of the tests—namely, writing, information, addition, hard directions, and composition—the rural children were notably inferior. The inferiority seems to be directly proportional to the extent that the tested function is complex and school conditioned. In addition and composition the inferiority was that of two to two and one-half years. The variability of rural-school children was slightly greater than that of city-school children in tests independent of school training and much greater in tests dependent on school training.''

''If the rural schools fail,'' says a Bulletin of The National Education Association, ''rural civilization will fail; if rural civilization fails, American civilization will fail.'' The solution of the rural-school problem is largely the solution of rural child labor. This is also true of urban schools and urban child labor. For child labor is the negation of education and a square deal.

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CHAPTER V

LAWS AND LEGISLATIVE STANDARDS

What is commonly known as social legislation expresses the people's sense of social responsibility and seeks to make public opinion effective. Labor legislation is a branch of social legislation. It "represents above all else," says Richard T. Ely, "an organized effort to achieve national and social efficiency." William F. Willoughby declares that—"Of all national resources, labor is by far the most important. So important is it that one may almost say that all else depends upon it. Not until a nation has secured a body of sturdy, skillful, and contented workers, can it be said to have met the first requisite of national efficiency." "The most valuable resource of any country," according to Professor Carver, "is its fund of human energy, that is, the working power, both mental and physical, of its people. It is safe to say that any capable race of men that will conserve, economize and utilize that fund will be able not only to abstract a living but actually to prosper in the midst of poor national surroundings."

Child-labor legislation is a branch of labor legislation. It deals with the labor of children. It protects adult workers in their bargaining power, since children are their competitors in the labor market. It helps conserve human energy by protecting children and contributes to their efficiency as laborers in later years. But child-labor legislation is labor legislation chiefly because its object is social justice and the establishment of human rights. When we speak of creating "a body of contented laborers," we must ask ourselves, What kind of contentment do we mean? Not a contentment, pray God, of ignorance, not a contentment of hopeless resignation, but a contentment that springs from getting out of play and work and love and worship the durable satisfactions of life, and getting them in their fullness because of developed capacity for appreciation and enjoyment. It is a matter in large part of having the ability to possess leisure and the ability to use leisure wisely and well. Child-labor legislation contributes toward this end.

Philip Davis, in his book called ''Street-land,'' published in 1915, said this: ''Enlightened public opinion in this country would unquestionably support child-labor and compulsory-education legislation which would spare children under sixteen years of age from every form of servitude. But the time is coming when society, for its own protection, will regard the age of twenty-one as the really strategic turning point in the career of all men and women. Up to that point, life will be not an academic, but an active, preparation for useful manhood and womanhood. The experience and testimony of parents and teachers everywhere will bear out the statement that it is the next twenty-one years in life, and not the first, which comprehend all success, great and small, and that the broader and deeper the early foundations are laid the greater is the ultimate success.''

Here is a suggestion that child-labor legislation has properly no place of ending. As childhood merges little by little into manhood and womanhood, so child-labor legislation should be joined without break to labor legislation for adults. It is all a matter of continuous social service, legislative social service, from before the beginning of the actual working life of individuals, throughout the whole period, and as in case of retirement on account of physical disability or old age, even after the working days are over. This includes vocational rehabilitation of the maimed and various forms of social insurance, like workmen's compensation and unemployment insurance, as well as legislation regulatory of the hours and sanitary conditions of employment.

SPIRIT OF CHILD-LABOR LAWS

Child-labor laws are for children, not for industry. The fact remains, however, that nearly all of our existing child-labor laws bear the marks of the attempt of industry to shape or modify them so as to have a minimum of effect upon itself. This effort affects age and hour provisions, and is reflected in the provisions found in many state laws whereby children of almost any age are allowed to work in stores at Christmas time for almost any number of hours a day. In this instance, as in many others, the needs of industry or business are given precedence over the needs of children. Not long ago a group of American citizens proposed a form of federal tariff which should forbid the importation into this country of "competitive" goods manufactured or produced wholly or in part by the labor of children under fourteen years of age or of children fourteen to fifteen years of age who at any time had worked more than eight hours a day. The word "competitive" is significant and raises the question whether the proposal was designed primarily to protect children or to protect American manufacturers. In any case it makes no difference to the child laborer of Japan or Argentina whether the goods he makes do or do not compete with American products.

Child-labor laws, we adults understand, are *for* children, not *against* them. This it is well that children themselves should understand when they begin to think about going to work. The Massachusetts Child Labor Committee, in a very attractively printed and illustrated pamphlet entitled, "When You Go To Work," addresses directly to the boys and girls of the Bay State a message concerning the child-labor and school-attendance laws of that commonwealth. The pamphlet is designed primarily to reach those children who are about to leave school and enter employment. To enlist the cooperation of the children themselves in the observance of the state's child-labor and school-attendance provisions, it seeks, first, to acquaint the children with the aim and purpose of the laws regulating their employment; then over and above the state's insistent "dont's" it presses the vital "do"—the stay-in-school message. "The law requires a boy or girl to go to school until fourteen years old," it says; "Go as much longer as you can. It pays." And: "School is so important that the law fines any one who employs boys or girls under fourteen in school hours." "Sleep and rest are so important for school boys and girls that the law fines any one who employs children under fourteen after six o'clock at night or before half past six in the morning." "Play is so important for school boys and girls that the law leaves very few trades open for children under fourteen to work at when they are not at school." The pamphlet summarizes the age and hour limitations for employment of minors, occupations prohibited under specified ages, and requirements for securing employment certificates. It warns against "blind alley" jobs, and urges children to avail themselves of continuation-school opportunities and public-recreation facilities in order that they may be better equipped, mentally and physically, for adult life. In thus interpreting directly to the children the laws which most closely relate to their own welfare, the Massachusetts Committee performs a real service. If children everywhere could understand that child-labor laws are *for* them—not *against* them—the task of enforcing these laws would be greatly simplified.

The trend of child-labor legislation in America is toward the establishment of fifteen- or sixteen-year age minima for all gainful occupations. Several states have adopted one or the other of these minima for occupations not of a class especially dangerous to health or morals; that is, for ordinary gainful occupations. In other states similar proposals have been made to the legislatures and defeated. They will doubtless be renewed. Still other state legislatures will be asked to consider the raising of the age minimum above fourteen. The sixteen-year age minimum is now one of the most lively issues in child-labor discussion. It raises the question of the actual situation of the children under sixteen who are at work. It raises the question of what can be done by vocational guidance and employment supervision to improve conditions, especially among the children fourteen and fifteen years of age. It raises the question of the feasibility and wisdom of applying to agriculture the same prohibition and age minimum that might properly be applied to industrial occupations. The proposition should be dealt with solely on the basis of the best interests of children—not the business interests of industry or agriculture. For what it may be worth, the fact may be set down that advocacy of the sixteen-year minimum in the legislatures is obviously by persons and groups really and earnestly concerned for the welfare of boys and girls, while the opposition is apparently based in large part on the same selfish commercialism which has always stood against child-labor measures. Some of the opposition, however, is in the nature of honest skepticism.

PREMATURITY OF SCHOOL-LEAVING

There are doubtless limits to the profit which some children will derive from remaining in some schools. Children can be released from school too soon or kept overlong. The prematurity of school-leaving and going-to-work is a relative thing, depending on the value of the school to some child in particular and on the character of the employment upon which he enters. Good educational and vocational guidance will sometimes guide a child out of school and into a suitable job, though its tendency is to prolong the school career. Educational guidance, however, is frequently handicapped by absence of special classes, courses and schools adapted to the needs of different types of children, and vocational guidance by the scarcity of suitable jobs, especially for children under sixteen.

The most richly promising discovery or concept of modern psychology is that which recognizes individual differences not only in general ability but in special aptitudes and capacities. We hear of it chiefly in connection with educational reform, but we need to hear of it quite as often and emphatically in connection with child-labor reform. Too much of education is mass education, and too much of child-labor reform is mass reform—and the result in both fields is a great deal of waste and damage. Waste of, and damage to, precious human material. The application of the concept of individual differences to educational reform, as seen in mental tests and educational guidance and placement, is at the same time an application to child-labor reform, because in the former case it serves to make school life more interesting, successful, profitable, and satisfying, helps to prevent the premature going-to-work which is first a premature abandonment of school, and makes possible a better preparation of the child for his working life, whenever it may begin.

Children differ one from another both physically and mentally and with regard both to their handicaps and to their positive potentialities. Just as there are differences in children at school, there are differences in children at work. There are differences in child labor according to the particular individual on the one hand and the particular work on the other. What is child labor in one case may not be child labor in another, and the converse is equally true. So the prematurity of school-leaving and going-to-work depends in large measure on the suitability of the job for the child under consideration. The job must be better for him than school if his leaving school and going to work is not to be regarded as premature. We look to vocational guidance and placement to do what it can to prevent prematurity of school-leaving and going-to-work, and if possible to put children only in jobs that correspond with their peculiar needs both positive and negative, that is, with their peculiar abilities and disabilities of either a physical or mental character. But vocational guidance and placement cannot prevent the school-leaving due to causes over which it has no control, and it cannot create suitable jobs if they do not exist in the community.

Child-labor reform recognizes the differences in the causation of school-leaving and going-to-work, and in the task of prevention sees the need of dealing with individual cases. Sometimes the cause has to do with conditions in the school, sometimes with economic and home conditions. Whatever the reason, its timely discovery is worth the special effort of that agency of human conservation and development, the school; the school whose function it is, not only to teach and train, but to render a long-time educational service corresponding, as nearly as possible, in both character and duration, with the needs of each pupil. The school must find the individual in the crowd, and help him find himself in school and at work; for the responsibility of the school does not end with the child's school days, but extends into his working days. It includes the transition from school to work and the adjustment to a working life. The prevention of premature school-leaving goes back to the problem of giving such attention to the educational and health needs of the individual as shall prevent the development in the first place of the handicaps and maladjustments that lead directly or indirectly to the desire to quit school. Early correction of physical defects and early diagnosis of the child's mentality (with appropriate action) would greatly reduce the school mortality in the elementary and high schools. Absence due to chronic illness, maladjustments between pupil and curriculum, retardation resulting from studies either too hard or too easy for the pupil's intelligence, too much work or too much movies out of school hours—these are a few of the causes of withdrawal. One child leaves because of the real poverty of his parents, another because of near-poverty, another because he dislikes the teacher, another because he cannot get along with his fellows, another because he wants a job. It may be some particular job that appeals to him, or it may be any job. The any job may be looked upon as a means of escape from school, or as befitting a man's estate—school is for "kids." There are many reasons and combinations of reasons for school-leaving; the reasons given may be causes, or they may be only excuses. But there are causes, real reasons, for everything; the causes of early school-leaving are sometimes preventable, and sometimes discoverable before it is too late to prevent their natural operation. These tasks imply the case-work method: study of the individual and often of his home and family, and adjustment based on this study. This study and adjustment may often require cooperation between the school and various outside agencies.

SCHOOL AS THE BEST PLACE FOR CHILDREN

A commonly held assumption in child-labor reform is that the best place for all children up to sixteen years of age is the school. This assumption is open to question. Dr. Stewart Paton, a psychiatrist whose opinion is well worth attention, attributes "the enormous increase of nervous and mental diseases, one of the most serious menaces to the public welfare," to the attempt to educate numbers of individuals whose central nervous systems are functionally unable to withstand the strain upon them thereby. He suggests that only those who have sound bodies and sound minds should be subjected to the risks of education in the public schools. "To render it possible for an individual who is physically and mentally unfit for the stress associated with the effort to undertake the acquirement of what is termed a liberal education should be regarded as an offense against the public health and morality no less culpable than if one were deliberately to place him in an environment where he is exposed to an infectious disease." Of course unsupervised labor outside the schools is no fit place for children of the class to which Dr. Paton refers. It may be that they should not be in school, unless under special care and supervision; they certainly should not be at work, unless under special care and supervision, and they should not be deprived of such education as they may be capable of.

To be regarded with great respect is the opinion of a distinguished educator, Dr. Arthur T. Hadley, who declares that the thing to do with the boy who is too lazy or uninterested to do his own part in his education is to take him out of school and put him to work. He writes: "I am afraid that this suggestion will provoke a good deal of adverse criticism. There is a general feeling that education is so good a thing, and indoor work in shops so undesirable for growing boys and girls, that we ought to try to keep everybody in school, as far as we can, till the age of sixteen or seventeen. If going to school means education in the full and proper sense of the word, as distinct from merely sitting at a desk and picking up information, this is probably true. But if the student is going to evade doing his own part in his own education, then I say that it is better for him to work nine hours in a shop than to shirk five hours, play two hours, and loaf two hours—which is about what he generally does if compelled to go to a school where he does not pull his own weight in the boat. And it is not only better for him: it is infinitely better for the other pupils and for the teachers. By taking away two or three members who are a drag upon the whole body we allow far more education to be given to all the others with far less waste effort. Even if the transfer of a considerable number of young people from the school to the shop should make it necessary to have a somewhat increased force of factory inspectors, it would be far cheaper for society to employ that agency than to make use of the public school system as an asylum for the willfully uninterested."[1]

But the "willfully uninterested" are few—and the number would be fewer if the schools were such as to evoke and maintain the interest of all types of children. To cast children out of school into unsupervised industry, with its scant concern for the welfare of the child himself, is an easy way of evading the responsibility of the school as a social institution—an agency of conservation and development of human resources for the good of the individual and society. As it is, the school system tends to railroad troublesome children out of the schools—to get rid of them. It is a way teachers and administrators have of lightening their own burdens. By troublesome children we mean children who are misunderstood or maladjusted. They don't fit, they don't get along; but maybe the trouble is with the schools, which usually have no way of understanding them and helping them get adjusted.

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[1] "What is Education?" in *Harper's Monthly*, December, 1922.

A legal age minimum of sixteen years for school-leaving and going-to-work, without exceptions or exemptions, would throw squarely upon the schools the burden of suitably caring for and training all children under that age, minus the pre-school children and a few who should be in special institutions—for example, mental defectives. Special classes in the schools for children exceptional in one way or another—physically handicapped, mentally, dull, unusually gifted, etc.—are now being established. Full provision for all types of children has not been made, far from it. If this had been done, then we might feel a little surer that school is the right place for all children, as it probably is for most children. A higher age minimum than that which now prevails would not of itself insure its being done. On the other hand, it is doubtful if it would add any responsibility that does not already belong to the schools. The aim of such a minimum, moreover, would be the greatest good to the greatest number.

The fact that some children do seem to reach at an early age the limits of profitable school attendance does not necessarily imply that these children should be turned out into the world and their futures given over to accident and chance. It is probably true that under certain circumstances, some children are better off at work than they would be in school, but it does not follow, ideally, that industry is a better place for them than school, even under the best form of supervision that can be devised; for the comparison that must be made with better conditions in industry is better conditions in school. We have already seen that, as things stand now, the early school-leavers do not get much profit, pecuniary or educational, from their work, and have noted in particular the proportions and consequences of the heavy child-labor turnover and the vast amount of idleness between jobs. If the schools fail to yield the profit that they ought to yield, the remedy lies in better schools, with better individual adaptation of education to the needs of those who attend and the development of a curriculum at once varied and unified.

Our schools are faulty in many respects, but they are going through a difficult period of adjustment to changed and changing social conditions. As one writer has said, "A transitional and often incoherent society has reflected itself in a transitional and confused education." Going back to the simplicity of the three R's would be a retrogression. Going forward, with patient experimentation and many mistakes, to a better kind of education, will cost its price of bitter criticism from anachronistic minds and reluctant taxpayers. "What some people call frills or fads in schools and family life, like music and drawing," declares Charles W. Eliot, president emeritus of Harvard University, "are really of fundamental importance. The variety of studies offered by the new program is essential to the discovery by every pupil of the kind of work he likes best, and the variety of elective studies in high schools and colleges is indispensable to the development of American scholarship and to the general attainment of joy in work. A human life without joy in work cannot be a happy one."

Nor can we ever expect, no matter how much we perfect our teaching and vary our curriculum, to turn children out of school at fourteen or thereabouts properly equipped for life or labor. We know well that at that age they haven't got from the present schools a great deal in the way of education. At that age they cannot get from the future schools the needed preparation for work, citizenship, and parenthood. They will still be uncertain of themselves, and no wonder, for as adolescents they are uncertain quantities in interests, tastes and capacities. Nothing is permanent or fixed. Everything is in flux, or at least changeable. The most important years in education are the pre-school years—the years of infancy and early childhood—and the years after a majority of children have left school. If education is largely a problem in self-discovery and self-mastery, then the years of adolescence are more important than the years preceding. All that the teachers and vocational guides may "know" of the child when he is twelve, or thirteen, or fourteen, may be nullified later.

We have acted too much on the assumption that the most important years in education are the years from six to fourteen. Surrendering to the present conditions of school-leaving, we have tried to cram into these years a complete education, and we have failed. It cannot be done. It cannot even be half-done. We have tried, for instance, to teach civics in the elementary school, but the fact remains that civic training is of little effect, for psychological reasons, in the age period represented by the elementary school. Instead of overcrowding the curriculum of the elementary school, the effort should be to lengthen the school life.

A true interest in vocations seldom develops before the age of fifteen or sixteen and cannot earlier be made the basis of vocational training and guidance. This does not mean that it is impossible to train and guide younger children vocationally, but only that such training and guidance must be, for the most part, artificial, arbitrary, and to an excessive degree a matter of guesswork. Vocational training of a specialized sort is psychologically premature for the vast majority of children before the age of sixteen. Though pre-vocational training may be in place, it should be highly flexible, as, of course, it aims to be. All of school work should appeal to the child as a practical enterprise. It should be tied up with community life and the whole experience made a real life in itself. School should be a life as truly as life is a school. Realism in education is a desideratum. It is not in conflict here with idealism. Vocational interest becomes strong at about the age period when the exodus from school is greatest; before that, there is usually a strong interest in the concrete and practical that is often mistaken for a true vocational interest. Both of these interests the schools should capitalize and cultivate in their task of education.

Scientific technique, administrative facilities and trained personnel may finally be developed to the point where chronological age will figure very little, if at all, in the prevention and prohibition of child labor, and where prohibition will take the form of obviation through guidance, placement, and supervision. But with or without chronological age, and no matter whether it be one age or another, the progress of child-labor reform is more and more toward adequate regard for individual cases. It may or may not be, eventually, that no child will exchange school for work before the age of sixteen; but in either event, through a system of vocational training, guidance, and placement, and follow-up service that shall recognize life as the greatest vocation of all, that shall give attention in every department of its service to matters of health and physical fitness, that shall be administered primarily in the interest of the child and not of industry, he will be physically and educationally ready for his venture into the working world and for some time afterward will remain under such supervision as will safeguard his health and further his education.

DISCRETIONARY POWER

Child-labor laws deal with children in the mass, that is, with reference to some chronological-age standard. So do compulsory schooling laws. It is obvious, however, that no chronological age-standard can definitely fix the prematurity of school-leaving and going-to-work, or mark the boundaries between suitable and unsuitable employment. A complete system for dealing with school-leaving and child labor on a basis of individual cases would be a desirable substitute (with regard both to the individual and society) for the compulsions and prohibitions found in school-attendance and child-labor laws. Such a system would consist largely of educational guidance and placement, vocational guidance and placement, and employment supervision, all joined together in one continuous service; it would involve physical and mental examinations, study of industrial processes in detail, through knowledge of the child, of jobs, and of vocational opportunities; it would require a highly developed technique in several departments, and numerous, expert administrators. For lack of such a system in universal operation, it is necessary to depend on rather rigid provisions in the statutes and to make use of chronological age as a standard.

If we could be sure that all children leaving school and going to work could have proper physical and mental examination, and proper placement and follow-up supervision, then we might dispense with chronological age in the statutes, substituting physical and educational requirements. That would throw an added burden and responsibility on administration. It would mean an enhancement of discretionary power on the part of those administering the law. Says Edward N. Clopper, a thoughtful student of legislative and administrative problems in the field of child welfare: "It is often urged that protective laws in the field of child welfare should confer upon their administrators a large measure of discretionary power so that each child affected may be dealt with according to its special needs. Children are individuals and should be treated as such, insist many able persons charged with the enforcement of mandatory and prohibitive laws, and others who revolt against the uniform application of a rigid standard to all children alike, regardless of their peculiar circumstances, characters, dispositions, talents and tastes. The feeling is natural and is intensified by seeing here and there conspicuous examples of fine social service of an independent character in behalf of boys and girls, the observers at once jumping to the conclusion that like service can be rendered everywhere under any conditions. Even the signally successful workers declare that 'anybody can do the same.' But we all know the part played by the personal equation in these matters and learn from experience that such striking success is the portion of only a few.

"The theory these able administrators and their supporters set forth is sound but under our present limitations as to personnel it breaks down in practice, and so several states that formerly granted such discretionary power, have found it necessary to revoke it and require all to conform to a fixed standard. The reason is obvious. The exercise of such power can be safely entrusted only to administrators of strong moral courage, abundant common sense, sound judgment, and thorough understanding of children, their nature and their needs. If we had such administrators everywhere, in cities, towns, villages, hamlets, and the countryside, devoting all their time to such work and amply paid for their services, we should feel that the interests of our boys and girls were secure in their keeping and we should not hesitate to allow them considerable latitude in the adjustment of standards to special conditions. But unfortunately we are not blessed with such wealth of able administrative personnel. Indeed, most of our area is as yet untouched by administrative effort for child welfare, able or otherwise. The officers who meet the requirements for such work are few and far between. Many whose duty it is to enforce the law are not endowed with enough moral courage to withstand the guile, the importuning and the pressure of local politicians, and those who are courageous are frequently removed from office or find their powers curtailed. Usually an officer has a variety of laws to administer and gives but perfunctory attention to those he deems less urgent or which interest him least. And a great number of our child welfare officers of one kind or another are working on a part-time basis. As to judgment, common sense and understanding of children—the combination is so seldom found that its possessor stands out in any surroundings as a bright and shining light.''

Even the discretionary power commonly granted in present laws, particularly with reference to the so-called ''poverty exemptions,'' are frequently abused. The excuse of poverty is too readily accepted by employment certification officers. Partly this is due to lack of courage to stand against the desires of parents and employers. Partly it is due to genuine, though often misguided, concern over the real poverty that may exist. Certainly the establishment of ready and efficient facilities for poor relief will do much to improve the enforcement of existing laws, make possible the elimination of the poverty exemptions, and remove one of the principal objections to raising the minimum age of employment. Economic considerations should not enter into the eligibility of children for employment papers, but they do and to some extent must in many states and localities under present conditions. Eligibility should be solely a question of the best physical and mental welfare of the child himself. If children in general should be forbidden to go to work in certain occupations below the age, say, of fourteen, or sixteen, why should poor children be allowed to go to work below that age? Are they so different? Are they less subject to the effects and hazards of early going-to-work?

There is one argument against a sixteen-year standard that is frequently urged but is obviously weak. It is that which sees in the exclusion of fourteen- and fifteen-year old children from gainful employment an economic hardship to the family. But if the sixteen-year standard is justified as a measure of child protection, this argument cannot stand. If all children under sixteen should be in school and not at work, society can keep them in school.

A raising of the age-standard should be preceded or accompanied by provision for poor relief under public administration, though private agencies will function in the same field. Mothers'-pension laws and children's-scholarship funds, however, have sometimes come about as a direct result of raising the age-standard of compulsory-schooling and child-labor laws. Suppose that society should decide that keeping all children in school and out of work until they are at least sixteen is unnecessary and unwise; then it can keep in school those children who ought to stay but who for economic reasons would leave if aid were not provided. That is the principle on which scholarship funds are usually conducted.

REQUIREMENTS SUPPLEMENTARY TO AGE

Rather rigid statutory provisions based on chronological age do not preclude recognition of other factors bearing on the child's fitness to go to work. The educational requirement for working papers is sometimes accompanied by a provision that the child may have them at the age of fourteen, or fifteen, or sixteen, as the case may be, only if he has completed the fifth grade, or sixth, or seventh, or eighth grade in school.

Chronological age, admittedly, does not show physical development or condition. The Service Bulletin of the University of Iowa (July 9, 1921) says: "Child-labor legislation should take into consideration the physiological development of the boy or girl as well as his or her chronological age and school standing. Some children are sufficiently mature physically to meet the requirements of an age limit of fourteen or fifteen, while others are immature and in a stage of physiological growth where more school training, more physical training and more opportunity for development are essential." Consideration of physiological development is here recommended not as a substitute for chronological age, but as supplementary to it. Fewer than half the states insist on a physical examination before issuance of employment papers. In these, the papers may be refused if the child is not fully developed for his age or if he has serious defects that need correction. In some states, children who are granted papers must return for re-examination at a specified later time if the first examination indicates its wisdom; and for re-examination whenever the child changes his job. These provisions in the laws show interest in individual cases and in other criteria than chronological age.

The United States Children's Bureau has just issued a report called ''Physical Standards for Working Children'' in which a committee of eleven physicians appointed by the Children's Bureau explain how the health of children at work may be protected. An effective means of protection lies in the adoption of physical standards which all children entering industry are required by law to meet. The most comprehensive of the laws requiring that children shall be examined before going to work specify that a child shall be of normal development for his age, in sound health and physically fit for the occupation which he is about to enter. But unless examining physicians have definite standards by which to test development and sound health, under-developed and physically defective children are likely to go to work early to their own serious disadvantage, in spite of excellent laws intended for their protection. The committee, therefore, has undertaken to define what constitutes normal development and sound health for children applying for working papers. The report of the committee contains minimum standards of height and weight for specified ages, based on the most trustworthy experience and present-day practice. It also lists defects for which children should be refused certificates, remediable defects for which they should be refused certificates pending correction, and conditions requiring supervision under which provisional certificates for periods of three months may be issued. The points which examining physicians should cover if adequate protection is to be offered the working child are given in detail in the report, which also contains a record blank for the use of physicians in making these examinations. Periodical examinations for children after they have gone to work are recommended by the committee as a still further means of protection. As yet no state has taken this step, though an exceptionally good opportunity for putting into effect an adequate program of health supervision is furnished by the compulsory continuation-school laws now in force in half the states.

STATUTES AND ACTUAL PROTECTION

Neither the absence nor the presence of statutory provisions as to different occupations is a sure indication of the child-labor situation in those occupations in a given state. It is noteworthy that the three states which do not have a fourteen-year age limit for employment in factories are not industrial states. Minnesota is one of the states that does not prohibit the labor of children under sixteen in quarries, but Minnesota has few if any quarries. In some New England states that provision is absent from the statutes, but the quarrying industry is there so strongly unionized and the union standards are so high that children under sixteen are seldom found at work in those industries. Before the enactment of legislation in North Carolina nearly all the cotton-mill owners in that state had signed a voluntary agreement discontinuing the employment of children under twelve. A group of mill superintendents in the textile industry of that state adopted last summer a resolution binding them not to employ children under fourteen even in vacations as permitted under the state law. These instances of protection afforded by labor unions and employers' associations are not cited as a solution of the child-labor problem, but only as evidences of the fact that legislation is not co-extensive with protection.

Actual protection of children may and does go beyond the provisions of statutes, not only for the reasons given, but also because general child-welfare conditions and activities have a potent effect on age of employment. As Miss Tracy Copp has said: "In a community that is not poverty stricken and that has educational institutions of high grade, with decent employment opportunities for adults, the child-labor situation should be much above the standards set by law. Heroic efforts should be made to keep children in school, to adjust their educational program, and to make continued education profitable and possible, whatever the minimum standards of law may be."

The high standards of protection on the statute books may be very deceptive. Excellent provisions as to certain forms of labor are to be found in states where those forms of labor do not exist and never did. Reference has been made to three states that do not have at least a fourteen-year standard for factory employment, but many of the laws having such a standard are riddled through and through with exceptions and exemptions. The poverty exemption frequently found in child-labor laws is greatly abused, children getting by the certificating officer on the poverty plea of themselves or their parents when economic necessity is only an excuse or when it could be alleviated by poor relief from private or public agencies.

Enforcement of laws is often rendered difficult or impossible by the weakness of the administrative machinery. In some states no official is made directly and fully responsible for the enforcement of the child-labor law. A small number of inspectors in a state—one for a whole state, it may be—and a limited appropriation for expenses are among the common causes of poor enforcement.[2] In many cases the few inspectors have all the labor laws of the state to enforce. The usual policy of inspectors is first to warn employers concerning breaches of the law and to resort to prosecution only after repeated warnings have been disregarded. It is not an exaggeration to say that, for various reasons, no state adequately enforces its labor laws, and this is especially true of child-labor laws. In matters pertaining to administration and enforcement the Federal Government is superior to the State Government; it enforces better because it has the greater power, the greater prestige, and the greater freedom from local influence.

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[2] "Although Kentucky has been for years considered to have the best child labor law in the South, the law is still far below the standards of child labor legislation established by the Federal Children's Bureau, and the methods of administration render it practically inoperative in certain parts of the State. This, as the investigation made by the National Child Labor Committee in 1919 showed, is largely due to the small appropriation made to the Bureau of Labor, Agriculture and Statistics. In 1919, only four labor inspectors could be employed at low salaries; the funds allotted were usually not sufficient to pay traveling expenses, and the result was

The head of a great canning company wrote in a private letter, concerning his own state: "The state law has been and is violated with impunity, as the violators do not fear the state courts." A reprimand, a warning or the minimum fine is frequently the punishment meted out. In Connecticut, where for twenty years the law has forbidden the employment of children under fourteen years of age in factories, a manufacturer who recently pleaded guilty to the charge of having in his employ two boys under that age was fined just one dollar. Counsel to the New York State Industrial Commission reports that "the very large percentage of suspended sentences after convictions have been obtained is the most discouraging feature of our work." In New York City (year ending June 30, 1919) there was 396 convictions for violations of the child-labor law in factories, and of these 249, or 62 per cent, resulted in suspended sentences; for the whole state the percentage was 70. Of 647 convictions for violations of this law in mercantile establishments in New York City 466 sentences were suspended; eight out of every ten per-

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that much territory was not visited by anyone. Naturally, the number of children found illegally employed was much greater, in proportion to the child population, in the counties which went practically without inspection. The first and greatest need in Kentucky is to give the state labor inspectors enough help and enough money to enforce the law as it stands."—*Kentucky Children's Code Commission Report,* 1922.

sons convicted in the state at large received suspended sentences.

Much of the difficulty in the enforcement of child-labor laws lies in the careless or incompetent issuance of working papers. If no certificate is issued except to children of legal qualifications—as to age, education, health, etc.—and no child is at work without a permit, the intent of the law is, to a large extent, fulfilled. The necessity of inspection decreases with the adequacy of the certification system and the observance of its requirements. In one year, in New York State outside of New York City, four hundred certificates were illegally issued.

PROGRESS OF A DECADE

Recent progress in laws and legislative standards may profitably be reviewed. In 1912 the Committee on Standards of Living and Labor, of the National Conference of Social Work, included in its report the following standards relating to child labor:

1. Prohibition of all wage-earning occupations for children under sixteen.
2. No minor under eighteen to be employed in any dangerous occupations or in occupations which involve danger through fellow workmen, or require use of explosives, poisonous gases or other injurious ingredients.
3. Night work entirely prohibited for minors.
4. An eight-hour day and six-day week for minors.
5. Factory production to be carried on in factories. This, of course, means the elimination of tenement homework, in which child labor plays so large a part.

These standards have not yet been reached in the statutes of any state, except in part and nominally. They were—and still are—pretty high standards, measured from the standpoint of accomplishment. Nevertheless, in the last ten years, there have been great gains in the direction in which they point. Moreover, though the Committee on Standards of Living and Labor did not attempt a comprehensive statement of child-labor standards, it may still be appropriate to say in this connection that great progress has been made since 1912 in the extension and improvement of child-labor standards *as standards.*

In that year the Uniform Child Labor Law was presented to the public. The principle followed in drafting it was to embody in the text the best provisions contained in the existing child-labor laws of the several states. The draft law prohibited the employment of children under fourteen in factories, stores, etc., etc. This provision, as to factories, was found at that time in the laws of 21 states. It is now found in all but three states, which are not industrial states, and one of which has a fourteen-year age minimum for girls and a twelve-year age minimum for boys. Only two states went above a fourteen-year age minimum for common industrial employment; now the list includes seven states, two of which prohibit employment under sixteen in ''all gainful occupations,'' with exceptions, while two prohibit under sixteen in specified occupations, including industrial employment.

The Uniform Law prohibited the employment of children under sixteen in occupations dangerous to life or limb, or injurious to health or morals, and under eighteen in certain extra-hazardous occupations. These provisions, which we cannot describe in detail, except to say that work in mines came under the sixteen-year age requirement, were based on various provisions found in the laws of 21 different states. Nearly all the states now recognize, by special provisions, the extra-hazardous and injurious occupations, including work in mines and quarries. The draft law of 1912 empowered the Board of Health to add to the list of such occupations. It is one of the significant advances in ten years of child-labor legislation that administrative bodies—boards, bureaus, commissions—have been clothed with power, in a growing number of states, to extend and supplement the statutory provisions by special orders. In a dozen states to-day some administrative body has more or less extensive powers of this sort.

The Uniform Law called for an eight-hour day and 48-hour week and prohibited night work for boys under sixteen and girls under eighteen. A child, before going to work, was required to satisfy the permit-issuing officer that he was in good health and had reached a normal development for his age. The educational requirement was ability to read and legibly write simple sentences in the English language, with attendance at school for a full time during the preceding year. There were other provisions in the Uniform Law, but those we have mentioned will suffice to show, in a general way, what it was thought reasonable to ask for immediately in child-labor legislation ten years ago. It will be interesting to compare the set of standards which the Uniform Law represented with the standards adopted by the Children's Bureau Conference in 1919—these will be given in this chapter.

Accomplishment in respect of hour and night-work provisions in state laws has been remarkable. The number of states limiting the industrial work of children to eight hours a day has nearly doubled until now there are 31. All but five states now have some prohibition of night work, an increase of six, but the greater gain is in the extent of application of this provision in most of the states. States having some educational requirement for going to work have increased in number, and the requirement itself has been raised in many states. Nearly every state now has some educational minimum though often it is low. Fewer than half the states ten years ago made any reference to physical fitness. All but nine do this at present, though the determination of physical fitness is still left, in a large proportion of the states, to the permit-issuing officer. A mandatory examination by a physician was included in the laws of only six states ten years ago. The number is now 22.

Striking advance may be shown by reference to the record of West Virginia and of Alabama. West Virginia has substituted for an age limit of twelve years for stores and fourteen for factories and mines, an age limit of fourteen for gainful occupations generally (agriculture and domestic service excepted) and sixteen for mines. West Virginia ten years ago, or for that matter five years ago, had no hour provision whatever; now it has an eight-hour day and 48-hour week for children under sixteen in all gainful occupations, with the exception of agriculture and domestic service. A certificate of physical fitness from a school physician or public health officer is now required, and a child must go to school until he is sixteen unless he has completed the sixth grade and otherwise qualified for working papers. A continuation-school and a mothers'-pension law have been passed.

Alabama, which ten years ago had a twelve-year age minimum for mills, factories and mines, now says fourteen for all gainful occupations, with the usual exceptions, agriculture and domestic service. The age requirement for work in mines has been raised to sixteen. The 60-hour week under fourteen in mills, factories and mines, has given way to an eight-hour day and 48-hour week for children under sixteen in all gainful occupations. A physician's certificate of physical fitness is now demanded. School attendance is now required not for a paltry eight weeks a year from twelve years of age to sixteen, but for the entire school years from eight to sixteen. A child cannot leave school before he is sixteen to go to work unless he has completed the elementary course. A street-trades provision, with age limits of twelve for boys and eighteen for girls, has been adopted. But the greatest achievement of Alabama is in the field of administration, with the creation and operation of its Department of Child Welfare and its correlated supervision in that department of all the state's child-welfare work. Administration is the key to effective child protection.

No set of standards, however useful as a guide or a goal, or as a measuring stick, is in itself entitled to the distinction either of infallibility or of finality. Standards are subject to revision with the increase of actual experience and of applicable knowledge.

To-day, in discussing child-labor standards, greater emphasis is being placed on what may be called *service standards,* to distinguish them from prohibitory age, hour and night-work standards. We have in mind such services as health service, vocational guidance, and poor relief. These come within the scope of child-labor legislation, which involves other than child-labor laws as such. The function of child-labor legislation is not only to limit and prohibit, but also to give children the best possible preparation for a working life, whenever it may begin, and to give them all possible protection after they have entered employment. Moreover, child-labor legislation, in the broad sense, deals not only with child labor, but with the substitutes for child labor, particularly schooling, play, and suitable children's work.

MINIMUM CHILD-LABOR STANDARDS

A comprehensive set of standards for children entering employment is included among the minimum standards of child welfare adopted by the Children's Bureau conferences of 1919. In these conferences not only American leaders in child-welfare work but visitors from abroad participated. The standards adopted are the product of thorough discussion at regional conferences in different sections of the country and at two general conferences held in Washington. They are intended as minimum standards and not as in any way limiting the degree of protection which an advanced state might desire to give its children. The child-labor standards follow:

Age minimum.

An age minimum of sixteen for employment in any occupation, except that children between fourteen and sixteen may be employed in agriculture and domestic service during vacation periods until schools are continuous throughout the year.

An age minimum of eighteen for employment in and about mines and quarries.

An age minimum of twenty-one for girls employed as messengers for telegraph and messenger companies.

An age minimum of twenty-one for employment in the special-delivery service of the U. S. Post Office Department.

Prohibition of the employment of minors in dangerous, unhealthy or hazardous occupations or at any work which will retard their proper physical or moral development.

Educational minimum.

All children between seven and sixteen years of age shall be required to attend school for at least nine months each year.

Children between sixteen and eighteen years of age who have completed the eighth but not the high-school grade and are legally and regularly employed shall be required to attend day continuation schools at east eight hours a week.

Children between sixteen and eighteen who have not completed the eighth grade or children who have completed the eighth grade and are not regularly employed shall attend full-time school. Occupational training especially adapted to their needs shall be provided for those children who are unable because of mental subnormality to profit by ordinary school instruction.

Vacation schools placing special emphasis on healthful play and leisure time activities shall be provided for all children.

Physical minimum.

A child shall not be allowed to go to work until he has had a physical examination by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law, and has been found to be of normal development for a child of his age and physically fit for the work at which he is to be employed.

There shall be annual physical examination of all working children who are under eighteen years of age.

Hours of employment.

No minor shall be employed more than 8 hours a day or 44 hours a week. The maximum working day for children between sixteen and eighteen shall be shorter than the legal working day for adults.

The hours spent at continuation schools by children under eighteen years of age shall be counted as part of the working day.

Night work for minors shall be prohibited between 6 P. M. and 7 A. M.

Minimum Wage.

Minors at work shall be paid at a rate of wages which for full-time work shall yield not less than the minimum essential for the "necessary cost of proper living." During a period of learning they may be rated as learners and paid accordingly. The length of the learning period should be fixed on educational principles only.

Placement and Employment Supervision.

There shall be a central agency which shall deal with all juvenile employment problems. Adequate provision shall be made for advising children when they leave school of the employment opportunities open to them, for assisting them in finding suitable work, and providing for them such supervision as may be needed during the first few years of their employment. All agencies working towards these ends shall be coordinated through the central agency.

Employment Certificates.

Provision shall be made for issuing employment certificates to all children entering employment who are under eighteen years of age.

An employment certificate shall not be issued to the child until the issuing officer has received, approved, and filed the following:

1. Reliable documentary proof of the child's age.
2. Satisfactory evidence that the child has completed the eighth grade.
3. A certificate of physical fitness signed by a public-health physician or school physician. This certificate shall state that the minor has been thoroughly examined by the physician and that he is physically qualified for the employment contemplated.
4. Promise of employment.

The certificate shall be issued to the employer and shall be returned by the employer to the issuing officer when the child leaves his employment.

The school last attended, the compulsory education department, and the continuation schools shall be kept informed by the issuing officers of certificates issued or refused and of unemployed children for whom certificates have been issued.

Minors over eighteen years of age shall be required to present evidence of age before being permitted to work in occupations having an age prohibition.

Record forms shall be standardized and the issuing of employment certificates shall be under State supervision.

Reports shall be made to the factory inspection department of all certificates issued and refused.

Compulsory School Attendance Laws.

Full-time attendance officers adequately proportioned to the school population shall be provided in cities, towns, and counties to enforce the school attendance law.

The enforcement of school attendance laws by city, town, or county school authorities shall be under State supervision.

Factory Inspection and Physical Examination of Employed Minors.

Inspection for the enforcement of all child-labor laws, including those regulating the employment of children in mines or quarries, shall be under one and the same department. The number of inspectors shall be sufficient to insure the regular observance of the laws.

Provision should be made for a staff of physicians adequate to examine periodically all employed children under eighteen years of age.

STATUS OF STATE LEGISLATION

None of these standards is in force in all states, nor has any state adopted all of them. With respect to some of the more important standards, let us see what we find in the statute books, taking the facts and figures from a pamphlet recently published by the Children's Bureau.[3]

Age Minimum for Children Entering Employment.

The nominal age minimum for work in factories in all except three States, and for work in numerous other employments in many other States, is fixed at fourteen years or over for both boys and girls. Seven States have an age minimum of fifteen years or over. This does not mean that in all these States no child under fourteen, fifteen, or sixteen years of age may go to work, for there are many exemptions permitted by the laws and many limitations upon their application. The most that can be said for a number of States is that the law shows recognition by the legislature of a standard, variation from which is permitted only under certain specified and more or less clearly defined conditions.

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[3] *Child Labor in the United States: Ten Questions Answered.* The statements regarding the status of legislation relate to the latter part of 1922. There have been a few changes since then, but it has not been possible to secure authentic or accurate information about them in all cases.

Age Minimum for Work in Mines.

Most State laws prohibit children under specified ages from engaging in certain hazardous or unhealthful occupations, and a number give to a State board power to determine from time to time what occupations are dangerous or injurious and to prohibit children from working in such occupations. An employment generally recognized and regulated as hazardous is mining. Twenty-seven States, including most of those in which mining is an important industry, prohibit the employment of boys in mines before the age of sixteen,[4] and four States have a still higher minimum age. Many States prohibit entirely the employment of girls or women in this industry, but, since women and girls usually have not been employed in mines in the United States, the laws on this point are not important.

Length of the Working-day.

Thirty-one States and the District of Columbia have recognized the principle of an eight-hour day for child workers[4] by fixing this standard for the work of children of certain ages in at least one industry; 27 States and the District of Columbia have an eight-hour day which applies to children up to sixteen years of age in both factories and stores,[5] three of these allowing certain exemptions. In some of these States the eight-hour day covers work in many other employments, sometimes in all "gainful occupations." This prohibition may also apply to girls, or to children of both sexes, up to eighteen years of age; and in a few instances it applies to all females. Nine States still permit children between fourteen and sixteen years of age to work from ten to eleven hours a day, and 2 do not in any way regulate the length of their working-day.

Weekly Hours for Working Children.

The 48-hour week is nearly always prescribed in States which require the 8-hour day; one of these, Virginia, has a 44-hour week. Twenty-seven States and the District of Columbia have a 48-hour week[6] applying to children up to sixteen years of age in factories and stores; this provision also applies in some States to girls up to twenty-one or to all children up to eighteen years of age, and in a few States to all females.

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[4] Two of these states permit exceptions.

[5] One other State, Montana, prohibits altogether the work of children under 16 in factories.

[6] Four of these permit exemptions. One other State, Montana, prohibits altogether the work of children under 16 in factories.

Prohibition of Night Work for Children.

The need for protection of children from the physical and moral dangers of employment at night has received fuller recognition in our State laws than the need for hour regulations, but nevertheless five States have not yet provided this protection.[7] Thirty-four States and the District of Columbia prohibit children up to sixteen years of age from engaging in night work in factories and stores,[8] the provision often extending to a number of other employments, and even to all gainful work. In some States this prohibition applies to minors up to eighteen years of age, and in some to all females.

State Regulation of Child Labor in Street Trades.

Fourteen States and the District of Columbia have laws requiring children selling papers or doing other work on the street to secure permits or badges. Only 10 have state-wide laws affecting boys engaged in independent street work. These laws have proved much more difficult to enforce than those regulating child labor in factories, stores, and other establishments. Although child labor in street trades may be controlled by local ordinances or police regulations and is so controlled in some places, State law is necessary in order that minimum protection may be effective throughout the State.

Educational Requirements for Children Entering Employment.

One of the primary reasons for restrictions upon child labor is that every child may have the education necessary for the citizens of a republic. An educational standard for going to work serves to insist upon this opportunity for those children who have not secured a minimum of education even though they have reached the age at which the law permits them to work.

Only 11 States require completion of at least the eighth grade for the issuance of regular employment certificates; and 5 of these 11 permit exemptions under certain conditions. The laws of 19 States and the District of Columbia either have no educational requirement at all,[9] or fix no definite grade standard; they demand only that before going to work the child must be able to read and write and, in some States, that he have a knowledge of elementary arithmetic.

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[7] One other State, Montana, has no night-work prohibition, but prohibits altogether the work of children under 16 in factories.

[8] Six of these permit exemptions.

[9] One of these States, however, requires attendance at school for a specified period during the year preceding employment.

Physical Examinations of Children Entering Employment.

The importance of physical examinations at regular intervals is becoming more and more generally recognized. Such examinations are particularly important in the case of children under eighteen years of age who go to work. During the years from about twelve to maturity the child's body undergoes rapid growth and change, and if he is obliged through this period to adjust himself to the new demands of occupational life he is subjected to a double mental and physical strain. All except eighteen States have recognized the need for protection by making some legal provision in regard to the child's physical ability to go to work, but only 22 (2 of these with certain exemptions) have made an examination by a physician mandatory before a child may receive a regular employment certificate. Eight other States and the District of Columbia authorize the requirement of an examination at the discretion of the certificate-issuing officer.

Compulsory School Attendance.

Every State now has a compulsory-school-attendance law, statewide in application; but in 2 States, Mississippi and Virginia, particular localities may obtain exemptions under certain specified conditions. In 26 States attendance is required throughout the State up to the age of sixteen, and in 13 the upper age limit is seventeen or eighteen, at least in some localities. The school law in most States allows children above a certain age (usually fourteen) to be excused to go to work, and many other exemptions are permitted which weaken the effect of the compulsory school attendance provisions. Only 2 States, Ohio and Oklahoma, require full-time schooling up to the age of sixteen for all children.

Compulsory Part-Time School Attendance.

The recognition of the need for providing further educational opportunities for children who have left the regular day schools and entered industrial life at an early age is shown by the passage, within the past few years, of laws requiring employed children between fourteen and sixteen years of age, and in some States up to eighteen years of age, to attend part-time continuation schools.

Twenty-six States now have laws of this type, but only 20 of these have provisions requiring schools to be established under certain specified conditions. The attendance required in most States varies from four to eight hours weekly, to be counted as part of the child's legal working hours.

SUB-NORMAL CHILDREN AND CHILD LABOR

Sub-normal children present a special problem from the child-labor standpoint. Several states provide for the issuance of working papers to children below the regularly prescribed age if they fall in groups variously described in the statutes as, ''backward and sub-normal,'' ''mentally deficient or sub-standard,'' ''mentally retarded and unable to make further advancement in school.'' This exemption is not without its serious dangers. First, there is the serious danger of a loose interpretation of the descriptive terms; then there is the further danger of an inaccurate determination of the child's real mental status. The exemption should be always safeguarded by provision for reliable diagnosis and for training, placement, and supervision. There are excellent reasons for not keeping dull or defective children in school in the same classes with normal children, but none for turning them loose into industry without the protection and guidance which they, above all others, need.

Many of these children, profitably to themselves and society, can be kept in special classes and schools, where and when provided. It is not necessary for so large a proportion of them to be committed to institutions or simply dumped. Minnesota, under the leadership of S. A. Challman, state director of special classes, has done a great deal in providing school opportunities for sub-normal children within the school system. The possible attainments of the boys and girls thus considered, vary from completion of academic work ordinarily expected of a child from the second to the fifth grade inclusive. Their capacity for industrial tasks is dependent to a large extent upon their muscular control and the possibility of developing their dormant energies. The industrial work generally offered includes basketry, weaving, rug making, knitting, sewing, lace making, cane seating, cobbling, toy making, hammock making, cooking, and the making of simple articles like lamp stands, picture frames, foot stools, etc. In the best organized schools the daily program is so arranged that pupils may take up their industrial work at any time when they are not in regular recitations or physical drill. Considerable flexibility of program also prevails, and grade distinctions are of necessity obliterated, since development in accordance with the capacity of each individual child is the aim of all instruction. Care is exercised in assigning work, both of an intellectual and industrial character, so that neither too much nor too difficult work is outlined in one lesson. The usefulness, the accepted standard, the commercial value of the articles which the child makes is made plain to him, with the notion that these factors will help him to succeed in such industrial pursuits in which he may later be employed. All that is hoped for a sub-normal child is that, when he becomes an adult, he may with proper guidance perform some work in which there are but a few simple operations and these are repeated in regular order. Mr. Challman estimates that the sub-normals in Minnesota schools eligible to special opportunities constitute about two per cent of the school population.[10]

Special classes and schools are the commonly accepted solution, but Connecticut is laying out a novel and promising plan of vocational probation. This is to operate primarily through the Juvenile Court and probation officers, but involves for its successful working-out the close cooperation of court and school officials and employers. It includes vocational training and placement, and supervision of the employed children. For the fulfillment of this plan, the Connecticut Commission on Child Welfare has recommended the following legislation:

> The judge of the juvenile court may, on the basis of evidence presented in accordance with provisions hereinafter specified, declare in behalf of any defective child or young person in the status of vocational probation. This status shall not be declared when it is both expedient and desirable that the child or young person adjudged defective be committed to an institution.

[10] *The Educational Digest,* November, 1922.

The court may, however, at its discretion, establish the status of vocational probation in lieu of commitment to an institution when the child or person in question belongs to one or more of the following classes and is legally resident in the district over which the court exercises jurisdiction:

(*a*) Any child over sixteen years of age or any young person who is adjudged to be defective, but who is physically able to undertake, under reasonable non-institutional supervision, some useful or gainful occupation in his home or within the corporate limits of the district of the court.
(*b*) Any child over sixteen years of age who has been declared dependent or neglected, but who, by reason of mental defect, needs special supervision if he is not committed to a public institution.
(*c*) Any child who is over fourteen years of age, who has been adjudged mentally defective, who on the testimony of a reputable physician is of sound and competent physique, and who on the petition of his parent or guardian and of the principal or superintendent of the school which he attends is recommended for part- or full-time employment at some useful occupation.

The petition shall be made on a form prescribed by the Division of Special Education and Standards of the State Board of Education and shall satisfy the judge that the child is actually defective and that his employment will be more favorable to his welfare than continuance in public or private school.

The court shall keep a register of children and young persons for whom the status of vocational probation has been established. Such child or young person shall be legally known as a vocational registrant or probationer. He shall be entitled to a certificate issued by the court which affirms this status, and describes the protection which the law aims to confer upon him.

It shall be the duty of the probation officer attached to the court which has established the status of vocational probation to exercise a general supervision over each such vocational probationer in his district, to aid the probationer to secure suitable employment, to confer with his employer, his parents, or guardians to the end that said probationer shall not be committed to a state institution, but remain if possible with safety in his community. To this end the probation officer may confer with other public officials and representatives of local agencies, and he may delegate to such representatives powers of oversight and guidance.

He may also act as temporary conservator over the wages of said probationer on the order of the court. The probation officer shall report quarterly to the court on a form prescribed by the Bureau of Child Welfare concerning all such vocational probationers under his supervision, and whenever the report so justifies, the court may hold a hearing to determine whether the probation of said child or young person shall be continued or whether he shall be committed to an institution or to some other agency for custody or guardianship.

Commenting on this proposal, its originator, Dr. Arnold Gesell, of Yale University, says: "Out of the principle of compulsory education has grown a vast body of law and administration relating to school attendance, school registers, medical inspection, vocational training and guidance, child labor, and certification of youthful candidates for employment. Put in unqualified terms, the presumption in the typical American commonwealth is: (1) that every child has the right and the obligation to attend school, and (2) that the state shall determine whether he is ready for employment. This fundamental relation of the state to children affects in a peculiar manner the subnormal pupil, who cannot profit by ordinary instruction and who cannot compete on equal terms with his fellows when he comes of working age. This exceptional status of the subnormal creates an almost paradoxical situation. The school cannot exclude the moron on the one hand, and it cannot graduate him on the other. The only solution is a modification of law and practice that will safeguard the subnormal when he leaves school." [11]

CHILD LABOR AND CHILD WELFARE

The Children's Bureau Conferences recommended: "The child welfare legislation of every state requires careful reconsideration as a whole at reasonable intervals, in order that necessary revision and co-ordination may be made and that new provisions may be incorporated in harmony with the best experience of the day. In states where children's laws have not had careful supervision as a whole within recent years, a child welfare committee or commission should be created for this purpose. Laws enacted by the several states should be in line with national ideals and uniform as far as desirable, in view of diverse conditions in the several states.''

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[11] Arnold Gesell, "Vocational Probation for Subnormal Youth," in *Mental Hygiene,* April, 1921.

Since 1909 commissions for revising, co-ordinating and standardizing child-welfare laws, in one or all departments of the field, have been appointed in a majority of the states, and their reports have resulted in much improvement of the legislative situation in the respective states. Kentucky has a permanent commission for studying child-welfare conditions, reporting at every session to the Governor and legislature, and recommending changes and improvements in the laws.

It is generally acknowledged to be the business of a state to provide for the protection and education of its boys and girls, but it is a business that in no state until recently and in few even now has been done in a business-like way. Every state has legislated voluminously for the protection and education of its children, but the result everywhere has been inconsistency and overlapping of laws and lack of co-ordination between laws and administrative machinery. The fact has been overlooked or not appreciated that every phase of child welfare, legislatively or otherwise considered, is intimately bound up with every other phase. No unified plan having been followed in the long process of piecemeal legislation, and good intentions having failed to give the beneficiaries the protection and education to which they are entitled, it becomes the duty of the state to make a business of correcting errors, both of commission and of omission, due to former unbusinesslike methods. It becomes obviously desirable for the state to take account of stock in respect of existing laws and administration, to look over the goods on hand to see which are out of date in the light of present conditions and of modern thought and practice, and to make the stock complete in recognition of current demands, construing these demands in terms of the needs of children and of established standards of child-welfare legislation and not in terms of passing fads and fashions. When a state does all this it engages in the kind of philanthropy that is preventive and constructive.

To recognize in law and administration all the numerous interrelations in child-welfare work, public and private, is the function of the Children's Code—which is not a collection of laws, as the term ''code'' might suggest, but a condition of laws. Child-labor and school-attendance laws are co-ordinated. The problem of dependency receives attention in a Children's Code, and mothers' pension laws are included in the general program of standardization and co-ordination. Nearly all of the forty-eight states now have laws of this kind, designed primarily to prevent the home from being broken up, but serving also the purpose of keeping children in school and out of child labor. There is considerable variation in the laws in force in the different states, but in general they provide for the payment of a stated weekly or monthly sum for each child under a certain age to mothers who are dependent upon their own efforts to support their children and are morally and physically fit persons to bring up their children. Some states provide pensions only for widowed mothers; others include women who are divorced or who may have been deserted by their husbands, or those whose husbands are in prison, in state asylums, or who are otherwise incapacitated. In a few states, expectant mothers may receive mothers' pensions; and in a number of instances the mothers of children born out of wedlock come within the scope of the law. The age up to which an allowance may be made for a child varies from thirteen to seventeen years. Only one state has a thirteen-year maximum, but this state allows an extension to sixteen years if the child is ill or incapacitated for work. Sixteen years is the maximum in the greatest number of states. One state and Alaska gives seventeen as a maximum and one other state with a sixteen-year limit for boys makes seventeen a maximum in the case of girls. The amounts of the allowances vary greatly in the different states; they range from $2 per week per child, to $25 a month for one child and $15 for each additional child. In many states the amount is far too low to maintain a decent standard of family life, particularly in view of the greatly increased cost of living. It is encouraging to note, however, that the newer laws and more recent amendments, with a few exceptions, are in the direction of making more liberal allowances and of raising the age limits of the children who may be aided to keep pace with advances in child-labor and compulsory-education laws.

The most recent administrative advances in the local care of dependent, defective, and delinquent children are described in a report issued by the United States Children's Bureau, entitled "County Organization for Child Care and Protection." Administration of care for neglected, handicapped, or delinquent children by local boards of citizens, employed trained workers and aided by state boards, is, according to the report, the plan which is gaining approval in a constantly increasing number of states. In the past, according to the report, the development of preventive and constructive activities for children in rural sections usually depended on the willingness of some private individual or group to assume the financial obligation, but to-day county commissioners in many states are finding it sound economy to make an appropriation for this purpose. The recent rapid growth of county welfare work has come about largely as a result of the development of state-wide plans, but local organization is usually put into effect only after the county has indicated a desire for it. Securing of executives or superintendents trained for such work is said to offer the greatest difficulty in connection with county organization; state universities, however, are preparing students to return to their home communities and take up this career, and state boards make possible the interchange of experience through conferences, publications and other means. In the country the welfare worker has to be a general practitioner, but he must have knowledge of the standard practice in the various fields of child welfare work as well as the understanding and common sense necessary to adapt these methods to rural conditions. In counties of small population or those possessing agencies whose work already covers a part of the field, the care of children may be and often is combined with public health nursing, enforcing school attendance, employment certification, preventive and reconstructive work with families, including "poor relief" and supervision of persons on probation or parole. In others the task is extensive enough to warrant dealing separately with each of these groups of activities, but the general tendency is in the direction of broad, coordinated programs. The movement toward unified county organization of welfare work is frequently, the report states, the result of "local effort to combine modern principles of social work with business methods." Duplication of work is thus eliminated and neglected fields are discovered and provision made for them.

GENERAL WELFARE MEASURES

The welfare of adults must be considered in any broad plan and program of child-labor reform. Unquestionably poverty is a prolific cause of child labor, and not only its relief but its prevention and abolition must be attempted. In all of its degrees, and all of its combinations with other causes, poverty is the most prolific cause of child labor: not absolute destitution, not abject poverty alone, but near-poverty, border-line poverty. A federal study of school-leaving indicated that while thirty per cent of the children under consideration had gone to work because of economic necessity, another twenty-eight per cent had done so because "the child's help was desired, though not necessary." Mrs. Helen T. Woolley, who made a study of school-leaving in Cincinnati, writes: "In the greater number of cases, the call that takes the children into work is not suffering need. The cry of the people seems to be more for relief from strain—for a chance to live—than for the chance to exist.''

Low wages frequently result in inability to maintain anything more than meager existence. They result invariably in a precarious situation in which illness or accident, perhaps slight in itself, brings dire consequences to the family because of the expense entailed and the loss of earnings. They create a condition of constant dependence on the daily or weekly income. To the need or the desire for additional income the welfare of the children may be sacrificed by sending them into the ranks of child labor. So it is that minimum wage laws, for men as well as women, are worth considering in connection with the child-labor problem.

Unemployment insurance should also be considered. Workmen's compensation has already had an effect in diminishing child labor. Certain and immediate payment of compensation in case of industrial accident or death, without the costs or delays of litigation, relieves the family of the necessity of calling on the children to take up the rôle of breadwinner. In Wisconsin, the compensation law has a feature that operates in another way to prevent child labor. If a child of permit age is injured while working without a permit or in a prohibited occupation, his employer must pay three times the compensation ordinarily required and he cannot protect himself from this additional risk through insurance. The fear of this clause has resulted in a marked decrease in the number of employed children. The New York and Indiana laws have lately been amended to require double compensation for minors illegally employed.

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CHAPTER VI

THE PROBLEM OF FEDERAL ACTION

Child-labor legislation by the states presents no difficulties with regard to constitutionality. It is enacted under the once monarchical authority of *parens patriae,*[1] which developed out of the early law of *patria potestas,* or "power of the father." The several states possess this parental relation, this relation of guardianship, to the children. Now that the United States has become indubitably a nation, through process of history and judicial decision, what of the relation of this federal state to the children within its borders? On two occasions the United States Supreme Court has said in effect that child labor is not a matter of national concern,—that is, from the standpoint of constitutional interpretation.

HISTORY OF FEDERAL LEGISLATION

The growth of popular interest in federal restriction of child labor is reflected in the platforms of our political parties. The Prohibition party in 1872 was the first political group of any importance to include a clause against child labor in its party platform. The Democratic convention of 1892 introduced a plank which read, "We are in favor of the enactment by states of laws for abolishing the notorious sweating system, for abolishing contract convict labor, and for prohibiting the employment in factories of children under fifteen years of age." In 1904 the Socialist party first pledged itself "to watch and work, in both the economic and the political struggle . . . for the complete education of children and their freedom from the workshop.'' In 1912 the Republican and Progressive parties declared for a *federal* cheild-labor law, and in 1916 both the Democratic and the Republican parties stood for the immediate enactment of such a law.

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[1] A branch of the police power.

The first attempt to pass a federal law was in 1906, when the Beveridge-Parsons bill was introduced in Congress in December. This provided that the carriers of interstate commerce, the railroads and steamboat lines, should not transport the products of any factory or mine that employed or permitted the labor of children under fourteen years of age. In January, 1907, Senator Beveridge made his famous three-day speech for the bill, but without success. This bill was again presented in 1907 and was later added as an amendment to the District of Columbia child-labor bill but failed to come to a vote in either house. Senator Lodge also proposed a similar bill in 1907; this was referred to the Committee on Education and Labor, but was never reported. The Kenyon bill, another virtual repetition of the Beveridge bill, was presented in every Congress until 1914.

In December, 1912, and again in 1914, the progressive element introduced the Copley-Poindexter bill. This defined as ''anti-social child labor'' the employment of a child under fourteen in any mill, factory, cannery, workshop, manufacturing or mechanical establishment, or of a child under sixteen in any mine or quarry, or in any other dangerous, injurious or immoral occupation, and prohibited the shipment in interstate commerce of the products of such labor. While this bill was still being considered, the Palmer-Owen bill was introduced. This differed from any of the preceding bills. Instead of putting the burden upon the carrier, it made it a misdemeanor for the producer, for the man who was responsible for the labor itself being employed, to put into interstate commerce the products of any mine or quarry where children under sixteen were employed, the products of any mill, cannery, workshop, factory, or manufacturing establishment in which children under fourteen were employed, or in which children between fourteen and sixteen were employed more than eight hours a day, or between 7 o'clock at night and 7 o'clock in the morning. This bill was passed by the House on February 15, 1915, by a vote of 233 to 43, but was killed in the Senate on the last day of the session.

Finally the Keating-Owen bill, repeating the substance of the Palmer-Owen bill,[1] was signed by the President on September 1, 1916, and went into effect September 1, 1917, only to be declared unconstitutional June 3, 1918. This was a check but not a defeat. If federal legislation could not be achieved through use of the power over interstate commerce, there were thought to be other ways of bringing about the same result. On November 15, 1918, Senator Pomerene introduced the federal taxing measure as an amendment to the Revenue Act. The standards were exactly the same as those established by the first federal child-labor law, but the new law was based on the taxing power of Congress—a tax of 10 per cent in excess of all other taxes to be levied upon the entire net profits from the sale or disposition of products of mills, canneries, workshops, factories, manufacturing establishments, mines or quarries employing children contrary to the specific standards laid down by the act. This measure, passed February 24, 1919, and effective April 25, 1919, was declared unconstitutional by the Supreme Court on May 15, 1922.[2]

DECISIONS OF THE SUPREME COURT

Into the constitutional questions involved in the decisions of the Court we shall not go at any great length. The framers of the Act of 1916 counted on the federal police power to justify the measure. The Supreme Court on several occasions, notably in the White Slave, Pure

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[1] The night-work prohibition covered the hours from 7 P.M. to 6 A.M.

[2] The Act of 1916 was enforced by the Federal Children's Bureau; inspections and collections under the tax law were made by the Commissioner of Internal Revenue.

Food and Drugs, and Lottery cases, had said that the power of Congress over interstate commerce may be exercised in the interest of the public health, morals, safety, and welfare, as well as in the interest of commerce and its instrumentalities. In the Lottery case the Court had said:

"If a state, when considering legislation for the suppression of lotteries within its own limits, may properly take into view the evils that inhere in the raising of money, in that mode, why may not Congress, invested with the power to regulate commerce among the several states, provide that such commerce shall not be polluted by the carrying of lottery tickets from one state to another, . . . As a state may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States, against 'widespread pestilence of lotteries' and to protect the commerce which concerns all the states, may prohibit the carrying of lottery tickets from one state to another. . . . We should hesitate long before adjudging that an evil of such appalling character, carried on through interstate commerce, cannot be met and crushed by the only power competent to that end. We say competent to that end, because Congress alone has the power to occupy, by legislation, the whole field of interstate commerce. . . . If the carrying of lottery tickets from one state to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense, to cause lottery tickets to be carried from one state to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce . . . which has grown into disrepute and has become offensive to the entire people of the nation."

In an address before the New York Bar Association, Charles E. Hughes tersely expressed the substance and point of the decision handed down in the child-labor case (Hanmer v. Dagenhart). Mr Hughes said:

"There has been in late years a series of cases sustaining the regulation of interstate commerce, although the rules established by Congress had the quality of police regulation. This has been decided with respect to the interstate transportation of lottery tickets, of impure food and drugs, of misbranded articles, of intoxicating liquors, and of women for the purpose of debauchery. It was held to be within the power of Congress to keep 'the channels of interstate commerce free from immoral and injurious uses.' But the Court in this most recent decision has pointed out that in each of these cases 'the use of interstate commerce was necessary to the accomplishment of the harmful results.' The Court, finding this element to be wanting in the Child Labor case, denied the validity of the act of Congress. The Court found that the goods shipped were of themselves harmless. They were permitted to be freely shipped after thirty days from the time of removal from the factory. The labor of production, it was said, had been performed before transportation began and thus before the goods became the subject of interstate commerce.

"The fundamental proposition thus established is that the power over interstate commerce is not an absolute power of prohibition, but only one of regulation, and that the prior decisions in which prohibitory rules had been sustained rested upon the character of the particular subjects there involved. It was held that the authority over interstate commerce was to regulate such commerce and not to give Congress the power to control the states in the exercise of their police power over local trade and manufacture."

It is worthy of note that four of the nine justices of the Court dissented from the majority opinion. Professor Thomas Reed Powell, of the Columbia University Law School, said: "Where the Court made a great mistake in the child labor case was that it did not see that interstate transportation was a cause of the evil. It distinguished the oleo case, the white slave case, by saying that in each of those instances the use of interstate commerce was necessary to the accomplishment of the harmful result. Now the use of interstate commerce is necessary to the accomplishment of the harmful result which Mr. Dagenhart succeeded in achieving through winning his case. The use of interstate commerce was necessary to the accomplishment of the result in the child labor case, because if the manufacturer could not have an extra-state market he would not have employed children.''[3]

As to the taxing power, on which the Child-labor Act of 1919 was based, the Court had said that ''the power to tax involves the power to destroy.'' Congress had taxed the state bank notes out of existence, placed a prohibitive tax on the manufacture and sale of oleomargarine artificially colored to look like butter, and imposed a tax whose purpose was to regulate the sale and use of narcotic drugs. In each instance the Court upheld these uses of the taxing power. It has declared that ''when Congress acts within the limits of its constitutional authority, it is not the province of the judicial branch of the Government to question its motives.'' It has said that in the exercise of its taxing power the responsibility of Congress is to the people who elect its members, and not to the Supreme Court.

The Court, however, in the Child-labor Tax case (Bailey vs. the Drexel Furniture Co.), said: ''Taxes are imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty with the characterization of regulation and punishment. Such is the case of the law before us. . . . In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it? . . . Grant the validity of this law, and all that Congress would need to do, hereafter, in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the states have never parted with, and which are reserved to them by the Tenth Amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the states.''

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[3] In the *Child Labor Bulletin,* Feb., 1919, Vol. VII, No. 4, p. 258.

Professor Edward S. Corwin of Princeton University comments on the decision as follows: ''The logic of the decision of this case, overriding previous decisions, makes the Court the supervisor of the purposes for which Congress may exercise its Constitutional powers. It thus cancels out the third dimension, so to speak, of the sovereignty of the national government within the field of its granted powers. At one stroke a new canon of constitutional interpretation is created and an out-of-date one revived: legislative motive becomes a test of legislative action; and any effort on the part of Congress to bring within its control matters heretofore falling to the states alone, raises the question of valid motive. The notion of the cooperation of the National Government and the states in the furtherance of the general welfare, which was voiced a few years ago in Hoke vs. United States (227 U. S.), has apparently dropped out of view. The one thing to be said for the new doctrine is that it will probably prove so unworkable in practice that it will not long survive.''[4]

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[4] Edward S. Corwin, ''The Child Labor Decision,'' in *The New Republic*, July 12, 1922, Vol. XXVI, No. 397, p. 179.

QUESTIONS BEFORE THE AMERICAN PEOPLE

It may be that the Court would have upheld the child-labor tax law but for fear that a favorable decision would become a precedent for unforeseen incursions into the realm of state rights. But every act, legislative or personal, is a possible precedent in the direction of excess. We cannot stand still and do nothing for fear of establishing precedents. Each step we take should be decided on its own merits.

The Court said that the Federal Government, though using one of its undoubted powers (that of taxation), had exerted it ''as to a purely local matter to which the Federal authority does not extend''—for a purpose lying solely, under the Constitution, in the domain of state concern and authority. This was exactly what the Court had said in 1918, when it declared unconstitutional the Child-labor Act passed by Congress two years earlier and based on the power of the Federal Government to regulate interstate commerce. The two decisions are virtually one in their legal logic, and taken together they force the conclusion that the road to control of child labor is not by way of federal legislation under the Constitution as it stands. Two courses offer themselves—amendment of the Federal Constitution and reliance on State action. If amendment, shall it be in such form as to permit merely child-labor legislation or to give opportunity for a wide variety of what is called social legislation? If state action is to be relied upon, be it remembered that the federal legislation we have had so far has been largely due to State inaction.

Very many people regard this second decision of the Supreme Court, reenforcing the first, as a calamitous blow to child-labor reform. Let us inquire carefully whether this view is entirely justified. Sweet are the uses of adverse decisions—sometimes. We shall possibly find, on consideration, that in the present instance we are confronted with a blessing in disguise, the disguise consisting of a very natural and humane solicitude for the boys and girls from whom federal protection has been withdrawn.

One of the good results is the re-opening of the whole subject of child-labor legislation—and of child-labor reform, which goes beyond mere legislation. There is renewed discussion of child labor as a national evil, and of its control as a federal problem. We shall gain much if we recall that in the two attempts of Congress to curb this evil, the method of indirection was used. No direct regulation was possible under the Constitution. That was known. It is now known that indirect regulation is impossible. What is not sufficiently recognized is that neither of the Federal enactments was adequate within even the narrow occupational field which it covered. The interstate commerce measure applied only to goods carried in interstate commerce (mined or manufactured under conditions contrary to certain labor standards). The taxing measure imposed a tax of 10 per cent on the net annual profits of any mining or manufacturing concern employing children contrary to the same standards, and was administered as a taxing measure, rather than a measure for the protection of children. The American public now faces the question: If federal legislation is desirable, should it not be direct in method, dealing with child labor as child labor and not as something subordinate to interstate commerce or federal taxes?

The child-labor standards imposed by federal legislation were fewer and lower than those which competent and thoughtful opinion regards as adequate standards for State legislation. With or without the federal law that the Supreme Court has declared invalid, most of America's child workers in industry are children fourteen years of age or over. And two-thirds of all child workers in America are in agriculture. The federal law did not apply to children in agriculture, or in street trades, or in stores, or in the movies, or in tenement homework.

How inadequate our federal legislation has been, from the standpoint of standards, is apparent by comparing it with the standards for State child-labor legislation adopted by the Conferences on Minimum Standards for Child Welfare and quoted in the preceding chapter. How far could the Federal Government go—how far should it and would it go—in adopting as its own the State standards there outlined? Obviously such a program would involve not only constitutional questions, and traditions of State and local pride and practice, but very grave difficulties in the matter of administrative machinery—in relation, particularly, to educational and health service. How much of the program may well be left to the States? Most of it, the writer believes, is plainly their job. This has been shown in the chapters describing the nature and scope of the remaining tasks of child-labor reform.

PROGRESS IN STATE LEGISLATION

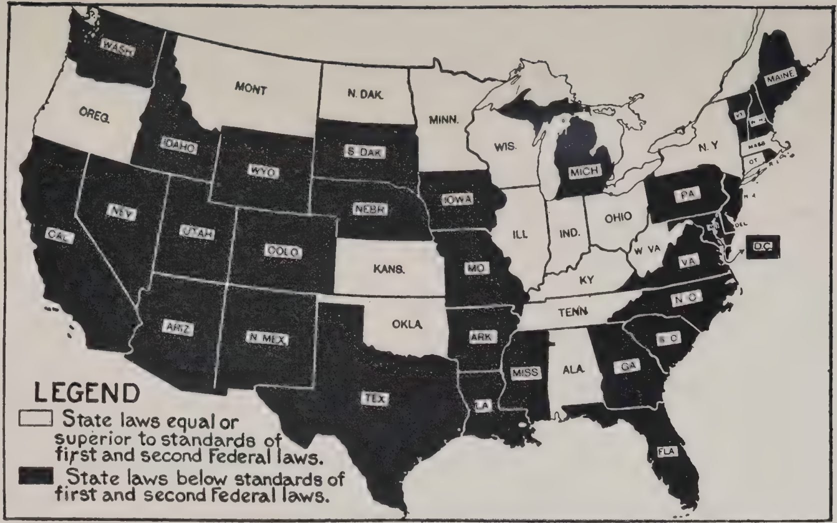
It is worth bearing in mind that since the first federal law was passed in 1916 the states have been raising their own standards. The federal standards have been adopted in states that did not have them six years ago. Two states have come to the fourteen-year age minimum for employment in factories. Nine states that did not have the sixteen-year age minimum for employment in mines have adopted it in the intervening period. Three states more than in 1916 prohibit night work in factories for children under sixteen. Eight states have established the eight-hour minimum for children under sixteen in factories.

So there has been progress in state legislation along the lines of the federal law, while the states have gone beyond the federal law in many respects—some have higher age standards, most of them cover a greater number of occupations, and a majority require educational and physical qualifications of children going to work. Many of them are participating in the so-called Children's Code movement, which has for its object the simplification, coordination and standardization of all the child-welfare laws of a state so they shall work together for good in the most effective way. There has been plenty for the

States to do, and their opportunities will be but slightly diminished by the enactment of another federal child-labor law as limited as the two which have failed to pass the test of constitutionality. This much can be said for federal legislation: that it is likely to be better enforced and more effective than state laws; but the problem of state enforcement is not insoluble. The argument that federal legislation will give uniformity of standards throughout the country is not wholly valid in view of the fact that some states, as in the past, will doubtless exceed the federal standards.

DEFICIENCIES OF STATE LEGISLATION

But, while this is true, and while it is likewise true that all the states have child-labor laws, the laws of thirty-five of them, in one respect or another, fall below the very moderate standards incorporated in the federal law. Not counting the mine and quarry clause, which confuses the statistics by the use of the word ''and,'' the number is thirty-one. Thirty-one states, then, fail to measure up to the standards of the federal law with respect to the fourteen-year age for factories, the eight-hour day, and prohibition of night work, for children employed in factories. Sixteen states of these states have the fourteen-year standard with certain exemptions, such as work in vacation or outside school hours, work of child whose earnings are needed for family support, or work for child's parent or guardian; two of these have the eight-hour provision, with exemptions; and eleven have the night-work provision, with work permitted at either an earlier or a later hour than under the federal law. (The legislative statistics given above in this paragraph, and elsewhere in this book, represents the status of laws late in 1922. Legislative sessions have been held in a majority of the states this year, and though opportunity was thus afforded to improve the state laws, only seven or eight did so in any way. Four established the eight-hour day, two forbade night-work, and one prohibited the labor of children under six-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LEGEND
State laws equal or superior to standards of first and second Federal laws.
State laws below standards of first and second Federal laws.

Comparison of State and Federal Child-Labor Standards for Work in Factories

The map compares the standards of the State child-labor laws in operation in November, 1922, with those of the first and second Federal child labor laws. No comparison is made of the standards of the State and Federal laws in regard to mines and quarries, because many States having in this regard a lower standard than the Federal laws have few or no mines.—(From "Child Labor in the United States—Ten Questions Answered," U. S. Dept. of Labor, Children's Bureau.)

teen in mines. Available reports do not show whether or to what extent these provisions were weakened by exemptions. But even if passed without exemptions, the number of states below the standards of the federal law is still thirty-four, or thirty if we omit the mine and quarry clause.) Some states still lag far behind the federal standards and the existing laws of other states in certain important particulars, as the facts given in the preceding chapter clearly show. In one state, for example, children of fourteen not only legally can but actually do work eleven hours a day in factories. Eight hours is bad enough—but eleven! Twenty years of effort to secure an eight-hour day for working children has failed in a number of industrial states. Other glaring deficiencies in state laws and state protection could be mentioned.

The two federal laws were enacted in response to public demand for federal action against child labor. Reason for that demand still exists in the slowness and inadequacy of state action; in its tragic failure in some instances; in the complaint of employers in high-standard states that they are placed at a disadvantage in competition with producers in low-standard states, and in the consequent difficulties of law enforcement in high-standard states; in the right of consumers to know that goods made in America are not made at the expense of little children; in the helplessness of individual states to protect the quality of their citizenship when they receive from other states the human products of child labor; in the fact that child labor is a national evil, involving loss and damage to the man power of the nation—man power for peace as well as for war, man power for the spiritual as well as the material prosperity of American life.

As already noted, new federal legislation is not likely to establish absolute uniformity of standards throughout the country, but it will, no doubt, obviate the grosser discrepancies due to extremely low or non-existent standards regarding ages, hours and night work. It is not, however, industrial or commercial advantage and disadvantage that concerns us in considering the desirability of universal minima, but rather the safeguarding of children's rights —the protection of children in whatever part of the country they may happen to live. We need to bear in mind, not only that some states have so far failed to measure up to the federal standards recently in force, but that there is no telling when, if left to themselves, some states that have as high or higher standards will slip back. It may turn out that a constitutional amendment, giving Congress the power to act, will be all the federal protection necessary; or in other words, that the states, knowing that Congress can do the job, will themselves gives adequate protection to America's children. If they do, legislation by Congress will not be needed, but in any case Congress should have *the power* to act. The mere possession of this power by Congress would have a good effect.

This power may be regarded as an attribute of nationhood—the power of national self-protection. It would seem that the American nation, as nation, should have the right and power to protect its most precious resources, its children who are its future citizens, from exploitation and neglect. There is also the question of national self-respect. It has been published to the world that the United States of America cannot protect its children in industry. A nation that cannot so protect its own children should be ashamed of itself. It should at least have the power to do so, even though it use the power only to make up the deficiencies of state action and to set up a minimum standard of national decency which no state shall be allowed to abrogate. The granting of this power would be a form of democratic insurance. There is no democracy in permitting backward localities to use up childhood. We might as well speak of a democracy of robbery or of murder.

It is felt by some objectors to constitutional amendment that the tendency toward nationalization, or federalization, of governmental functions and activities has gone far enough, or perhaps too far already. There is much to be said for this contention. The present writer agrees that we should not always be turning to the Federal Government to correct the abuses and perform the tasks which the state and local governing units have neglected. But he believes that each issue as it comes up should be considered on its merits and that possibly there is a uniqueness in the child-labor evil which justifies the subordination of ordinary political considerations. It is doubtful if any harm can come to American institutions or American life from putting children first in our thought and action.

FORM OF CONSTITUTIONAL AMENDMENT

A child-labor amendment to the constitution should be made in such form as not to take from the states any right or power which they now possess. One proposal, embodied in a Senate resolution, provides that—"The Congress shall have power concurrent with that of the several states to limit or prohibit the labor of persons under eighteen years of age."[5] Thus the states are left free to go as far above or beyond the national minimum as they choose. They can establish higher age limits. They can shorten hours. They can deal with occupations and local conditions which Congress leaves untouched. On the constructive side of child-labor-reform, theirs will be the legislation dealing with school attendance, vocational guidance, health services, poor relief, and so on. State and community initiative and responsibility are not seriously threatened by the proposed amendment, partly because of its language, and partly because child-labor reform, by its very nature, is by no means wholly a matter of legislative prohibitions.

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[5] It was in this form that the proposed amendment came from the Senate Committee on the Judiciary, in the closing days of the Fourth Session, Sixty-Seventh Congress, with a divided report. Decision to report favorably was reached in the Committee by a close vote. The Committee considered several other forms of amendment. One of these read as follows: "The Congress shall have the power to limit or prohibit the labor of persons under sixteen years of age, and power is also reserved to the several States to limit or prohibit such labor in any way which does not lessen any limitation of such labor or the extent of any prohibition thereof by Congress. The power vested in the Congress by this article shall be additional to and not a limitation on the powers elsewhere vested in the Congress by the Constitution with respect to such labor." (The second clause bears reference to the undoubted power of Congress to regulate labor in the territories, in the merchant marine, and among its own employees.) The resolution introduced by Senator Henry Cabot Lodge of Massachusetts provided for amendment of the Constitution so that—"The Congress shall have the power to prohibit or to regulate the hours of labor in mines, quarries, mills, canneries, workshops, factories, or manufacturing establishments of persons under eighteen years of age and of women."

If Congress is not to have exclusive jurisdiction in the field of child labor legislation, what of the danger that federal legislation will result in costly duplication of administrative machinery? Both the first and the second federal laws set up only a minimum national standard. State laws that were higher were still operative and were enforced by state machinery. The report of the administration of the first federal law shows that state officials in states having standards agreed to after public hearings were recognized as administrative officers. State certification methods were improved, and local variation from town to town within the state was lessened, making enforcement easier.[6] Under both the first and second laws, federal enforcing machinery was needed in only a relatively few communities, and state child-labor officials very generally testify that the federal act increased the respect for the state laws. A competent enforcing agency already exists in the Children's Bureau, through a special division of which the first act was administered.

It has been suggested that experience with concurrent administration of the prohibition laws bodes ill for concurrent administration of child-labor laws. But concurrent administration of child-labor laws, as we have pointed out, has already been tried and with success. As for the prohibition laws, "We have yet to hear," says *The New*

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[6] *Administration of the First Federal Child-Labor Law,* United States Children's Bureau Publication No. 78.

Republic, "of any state in which prohibition is less effectively enforced under the present scheme than it was under state law alone. We have yet to hear of any state in which popular zeal for enforcing the law has been abated because part of the responsibility has been assumed by Washington. Quite the contrary. Citizens who wish the law enforced are no longer baffled by the reflection that at most they could only chase the saloon keepers and their customers over the river into another state. . . . Nobody will feel that in trying to abate the [child-labor] evil at one point he is merely exaggerating it at another. It is perfectly feasible to establish conditions under which the good citizen would be encouraged to cooperate with the governments, state and federal, in the enforcement of the law."[7]

Twice the people of this country, through their representatives in Congress, have sought to express their wish and will in the form of a federal child-labor law, and twice their humane and patriotic purpose has fallen to naught by reason of constitutional limitations as set forth in decisions of the United States Supreme Court. "'Humanity' is not the test of constitutionality," as some one has said; but it is the test of civilization. If the American people still desire federal action against child labor, they will have to amend the constitution. It is their constitution. It is an instrument, and an instrument is designed for use; it is an instrument so fashioned that it can be changed and adapted to suit modern needs and new-found purposes. Its makers saw to that, though they made amendment extremely difficult. They wrought, be it noted, long before the development of those industrial and economic conditions associated with child labor to-day. The first textile mill in America was not established until three years after the constitutional convention of 1787. There were no large cities when the Constitution was framed.

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[7] Editorial in *The New Republic,* June 26, 1922, Vol. XXVI, No. 399, p. 243.

America was rural, and rural conditions were different from the rural conditions of to-day.

President Harding, in his message to Congress on December 8, 1922, recommended the submission of a child-labor amendment to the people of the states. He said: "We have two schools of thought relating to amendment of the Constitution. One need not be committed to the view that amendment is weakening to the fundamental law, or that excessive amendment is essential to meet every ephemeral whim. We ought to amend to meet the demand of the people when sanctioned by deliberate public opinion." Congress adjourned, however, on March 3, 1923, without having taken action in furtherance of this recommendation.

A child-labor amendment should not embody legislation —that was the error of the prohibition amendment. The constitution is legitimately concerned only with the structure of the Federal Government, the division of powers between the Federal and State Governments, and the safeguarding of the basic rights of American citizens. A child-labor amendment should merely give Congress an additional power. With that power Congress may do much, it may do little, it is permitted to do nothing. All depends on the wish and will of the people, expressed through their representatives in the national legislature—on the workings of representative government in a democracy.

THE CONSTITUTION AND DEMOCRACY

A constitution standing in the way of moral progress and national purpose would seem to conflict directly with modern democratic ideas, and we may hope that ours does not answer to that description. But it does stand in the way of federal child-labor legislation, a moral and national aim, because, in the first place, it is undemocratic in itself and in its strict traditions; secondly, while it can be changed by amendment, amendment is hedged about with all manner of difficulties; and thirdly, it is a bulwark of state rights, even when these rights, or rather, this doctrine, conflicts with human rights or with national rights. We might have said human needs and national needs, but we have a conviction that needs create rights, far though the actualization of these rights may lag behind the needs in a slowly changing system of law and government.

The Constitution, in respect of child-labor legislation, for which it gives no authority, illustrates the theory of "cultural lag" which Professor W. F. Ogburn develops in his book on "Social Change." The general theory is that different parts of a social culture change at different rates, resulting in maladjustments; for instance, the educational system changes more slowly than the industrial conditions and the psychological knowledge which would seem to require corresponding changes in school curricula and methods. Customs, beliefs, philosophies, laws, governments tend to change more slowly than the material conditions of life. Workmen's compensation laws and child-labor laws are examples of the adaptive culture trying to catch up with the more rapid material culture—in particular, with conditions produced by the Industrial Revolution. Child-labor laws and compulsory school-attendance laws represent, in part, the response of adaptive culture to the lessened ability of the home under these new conditions to provide for the industrial safety and educational welfare of children. To amend the American Constitution in such a way as to permit federal child-labor legislation is to affect the adaptive culture in accordance with certain indubitable facts. Since the constitution was established important changes have taken place in social and industrial conditions, in the validity of the state-rights doctrine and the adequacy of the state-rights principle, in national feeling and national actualities, in the demands of the people, and in the prevalence and effectiveness of democratic ideas as to political and social arrangements.

Henry Cabot Lodge has said that the object of the Contution is to make the will of the people supreme, but this interpretation is an afterthought according rather with present notions of what the Constitution ought to be rather than with the undemocratic beliefs and intentions of the men who framed our fundamental law. The framers of the constitution had a pronounced distrust of democracy, pinning their faith in American government on an aristocracy of intellect, education, and property; the only majority which they trusted was a majority within that aristocracy, not a majority of the whole people. The preamble begins, "We, the people," but the almost unanimous sentiment in the Convention of 1787 was that the less the people had to do with government the better. The democratic implications of that phrase are denied in the body of the constitution.

Prof. J. Allen Smith says: "The evidence is overwhelming that the men who sat in that convention had no faith in the wisdom or political capacity of the people. Their aim and purpose was not to secure a larger measure of democracy, but to eliminate so far as possible the direct influence of the people on legislation and public policy." Professor Smith says further: "Of one thing we may be reasonably certain—the constitution as adopted did not represent the political views of a majority of the American people—probably not even of a majority of those entitled to vote. Universal suffrage, we must remember, did not then exist, and both property and religious qualifications limited the right to hold public office. This of itself is evidence that those who then controlled politics did not believe in the right of the majority to rule. And when we take account of the further fact that this was a time of political reaction, when the government of the country was largely in the hands of those who despised and feared democracy, we can easily see that the natural effects of a restricted suffrage may have been intensified by those methods of 'practical politics' which not infrequently defeat the will of the majority even to-day under universal suffrage. That it was the intention of the framers of the constitution, to bring about, if possible, the adoption of a form of government of which the majority of the people did not approve, is clearly established by the record of their proceedings.''[8]

In ''The American Commonwealth'' James Bryce remarks: ''Had the decision been left to what is now called 'the voice of the people,' that is, to the mass of the citizens all over the country, voting at the polls, the voice of the people would have probably have pronounced unhesitatingly against the constitution.'' He points out also that the convention met at the most favorable moment in American history for securing the adoption of such a constitution. ''Had it been attempted four years earlier or four years later, at both of which times the waves of democracy were running high, it must have failed.''[9]

In original spirit the constitution was essentially undemocratic, but in spite of that the democratic movement in America has gone rapidly forward, sometimes by use of the constitution as a vehicle. Suffrage has been extended, and so has popular education through the schools, newspapers, magazines, books, theaters, and other instrumentalities; so that the public at large is not only vocal to a greater extent that ever before, but is more widely interested and better informed in regard to questions of the day. There may still be fears of popular majorities, but popular majorities simply have to be reckoned with in social and political affairs. Since our constitution was established, there has been not only a change of public opinion but a change of the public—it is a more extensive public. So whatever may have been the attitude of the constitution makers toward popular majorities, it is the attitude of the people to-day toward the constitution which they possess that really matters now. If they choose to make it, so far as possible, an instrument of democracy, that is their business. But interpretation of its letter belongs to the Supreme Court, which sometimes has and sometimes has not seemed responsive to the popular will and the modern democratic spirit; the judicial system was carefully designed to be free of popular influence.

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[8] J. Allen Smith, *The Spirit of American Government*, pp. 50–51.

[9] James Bryce, *The American Commonwealth*, Vol. I, Chap. III.

In the letter of the Constitution are found plentiful evidences of design to thwart the popular will, abundant denial of the supremacy of public opinion, numerous checks on democratic contact with government and democratic action for righting social and political wrongs. These are fully set forth and ably discussed in such books as Smith's "The Spirit of American Government" and MacDonald's "A New Constitution for a New America." These checks and limitations—most of them—still survive in the constitution and in the structure of American government. One of the devices employed was the chronological fixedness of the terms of office for President, Senators and Representatives, so that not only the judicial but the executive and legislative branches of the national government fail quickly or accurately to register public desires on any particular subject.[10] However, so far as federal child-labor legislation is concerned, the public demand has for some time been strongly felt both in the White House and the Capitol; it has shown itself to be something very different from a passing popular whim or sudden excitement of the moment.

The same demand has been felt by the Supreme Court, but the Court stands in a different position; and the decisions of the Court declaring unconstitutional the federal child-labor laws may well be accepted as entirely consistent with the obligations laid upon it, though able constitutional lawyers have frankly disagreed with its arguments and conclusions. The people, at any rate, are not prevented from changing the letter of the constitution. This is the method of amendment. Strong as may be, and probably is, the desire of the people for federal action against child labor, due not only to contemplation of the child labor evil in forms and under conditions that were non-existent a hundred and twenty-five years ago, and of the shortcomings of state and community action, but also to the growth of the national spirit and the development of a national outlook, it is by no means certain that amendment will readily be accomplished. Indeed, it cannot be, for the process of amendment is slow, tedious and difficult; but more than that, the people are so habituated to the constitution and so well trained in reverence that many will be reluctant to see it changed even in furtherance of an aim which they have already endorsed through federal legislation.

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[10] As Woodrow Wilson says in "Division and Reunion" (p. 12): "In plan and structure the federal government had been meant to check the sweep and power of popular majorities. The Senate, it was believed, would be a stronghold of conservatism, if not of aristocracy and wealth. The President, it was expected, would be the choice of representative men acting in the electoral college, and not of the people. . . . Only in the House of Representatives were the people to be accorded an immediate audience and a direct means of making their will effective in affairs." The electoral college does not function quite as it did, but the party system has continued to deprive the people of freedom in the choice of candidates. Direct primaries and popular election of Senators have somewhat modified the unpopular character of nominations and elections.

Such obstacles would not present themselves in Great Britain, where the legislation would have sufficed. The will of the people would have been expressed in the laws they passed. No constitution would have stood in the way, for the British constitution actually makes the will of the people supreme—in fact, it is the will of the people. The people are trusted, they trust themselves. We over here, largely of the same stock and the same political traditions and possessing, perhaps, equal political capacities, have become habituated to constitutional checks and limitations on democracy and many of us regard them as necessary to any form of government because they pertain to our own.

SOME ASPECTS OF THE AMENDMENT PROBLEM

The widespread popular notion that the Constitution is a democratic document may be very largely due to its guarantee of various individual rights—liberty of speech, freedom of the press, property rights, trial by jury, etc.—in the first ten amendments. But this is a different thing from governmental democracy. The people are not familiar with the origin and provisions of their own constitution. Perhaps their ignorance of it, their indifference concerning it, is explainable partly on the basis of the limited degree of popular participation in national government permitted by the Constitution—the remoteness of the government from the mass of people. That remoteness is political as well as geographical. James M. Beck admits that, "measured by present-day conventions of democracy, the Constitution is an undemocratic document." He says further: "Time may yet vindicate the theory of the framers that the limit of democracy is the selection of true and tried representatives." But maybe it is rather the selection of true and tried representatives under a representative system more responsive and responsible to the people.

Mr. Beck, in one of his lectures at Gray's Inn, London, on the Constitution of the United States, remarked that "the Constitution of 1787 is, in most of its essential principles, still the Constitution of 1922. This surely marks it as a marvel in statecraft and can only be explained by the fact that the Constitution was developed by a people who, as 'children brave and free of the great mother-tongue,' had a real genius for self-government and its essential element, the spirit of self-restraint."[11] One cannot but wonder if a people with such a genius for self-government and such a spirit of self-restraint will not eventually trust itself with a larger and freer participation in a responsive and responsible national government.

In the session of Congress which has just closed no less than eighty separate proposals of amendment were offered. Some of them no doubt, were ill-considered, but it is quite possible that numerous and sometimes absurd proposals are partly a direct result of the difficulties attending amendment. If the constitution could be amended more easily in accordance with public need and demand, if it were more flexible and government under it were more responsive, then the people might not be so anxious to amend. The result of more power might tend to greater conservatism. The result of repeated balking of the purposes and desires of the people is clamor for changes in the constitution. There are those who say that the trouble with American government to-day is too much tinkering with the constitution, but perhaps the trouble lies in not having changed it enough.

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[11] James M. Beck, *The Constitution of the United States: Its Genesis, Formulation and Philosophy.*

Says Frank I. Cobb: "The American people were never before so critical of their government as they are now. They were never before so cynical about their government. They rail at the politicians, they jeer at Congress, they blackguard the President, whoever he happens to be, but they never stop to inquire whether their government was established to meet the demands they are making upon it. If they did, they would be obliged to admit that it was not. They ask a rigid, inflexible government to function as a responsive, flexible government. They ask a government of checks and balances to function as a political manifestation of democracy. They ask a government of coordinate and independent branches to function as a unit. It cannot be done. In spite of all their ardent devotion to the Constitution, it is apparent that they know little about the Constitution. They have turned it into a fetish and they burn a vast quantity of incense before it, but they have forgotten its origin and have lost contact with its purposes. What they think it is, or what they think it must be, is something that it was never intended to be, and cannot be made to be, except by a process of almost revolutionary revision. . . . Of all the self-governing nations that emerged from the blood and welter of the World War none of them fashioned its constitution after that of the United States."[12]

One suggestion for revision was incorporated in a Senate resolution introduced at the last session of Congress and providing for amendment of the Constitution so that a Congress elected in November would come into existence on the first Monday of the following January, instead of thirteen months after election as at present; and providing for the inauguration of the President on the third Monday of January, instead of March 4. That would do away with the "lame-duck" Congresses now holding over for more than a year, though under the amendment they might sit for two months after the people had spoken at the polls. Even so, the people elect only a part of Congress at any given election, and there are usually so many issues that the voice of the people on any particular one is hard to determine.

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[12] "Is Our Democracy Stagnant?" in *Harper's Magazine,* June, 1923.

Recent decisions of the Supreme Court in matters of social legislation, particularly the decisions declaring unconstitutional the child-labor laws and the minimum-wage law of the District of Columbia, have evoked widespread protest both on the part of the people and in the comment of constitutional lawyers. Constitutionality is a rather dubious thing in such cases, since it is often determined under the influence of whatever social philosophy the justices may entertain. Sociological and economic questions should be determined by the people through their representatives in Congress, and not by the justices of the Supreme Court, who may virtually supplant Congress and perform the functions of legislators. The decisions in the first child-labor case and the minimum-wage case were one-man decisions—five to four in the former instance; five to three in the latter, one justice not voting because of association with the case before it came before the Court. The vote of one member of the Supreme Court may exceed the collective power of 435 Representatives and ninety-six Senators, or even of 100,000,000 people. It has been suggested that a unanimous or two-thirds vote be necessary to declare an act unconstitutional. This curtailment could doubtless be effected through legislation, without constitutional amendment.

Adverse decisions on social legislation have a very important bearing, however, on the amendment problem. An editorial in *The Outlook* (April 18, 1923) on the minimum-wage decision contains these remarks: "One inevitable result of this decision is to make more Americans feel that they must have legislation in the Constitution where the Court cannot get at it. There is already a movement on foot to amend the Constitution by providing for child-labor legislation. There will doubtless be attempted now a movement to put minimum-wage legislation into the Constitution. If the Supreme Court continues to decide that measures for social justice are beyond the police power of the legislative branch, public opinion will force through amendments which will make of the Constitution a series of statutes. This, we believe, would be deplorable." There is danger of too much piece-meal amendment, and of too much legislation in the Constitution itself, where it does not belong. The real need is for broader legislative power under the Constitution, not more legislation in it.

"HANDS OFF THE CONSTITUTION"

There are many modern commentators on the Constitution who heartily sympathize with its inherent opposition to democracy and the obstacles which it has placed in the way of majority rule. Charles Nordhoff, a writer frequently quoted today, writes: "A political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are prescribed, and by which they are fixed. The chief object of a constitution is to limit the power of majorities." This is a thoroughly undemocratic and aristocratic view and raises the question, Who *are* the rulers? Political theories go back to social philosophy. Those who possess the social and political philosophy of the framers of our Constitution naturally are found among the ardent advocates of a general "hands-off'' policy with regard to amendment and preach unquestioning reverence for the fundamental law, hoping thereby not only to preserve the sacred Constitution as nearly intact as possible but to block legislation which the distrusted and feared ''populace'' may happen to want and which may conflict with the interests and prerogatives of groups especially favored with political and economic power.

The American Constitution is entitled to respect and even reverence, but encouragement of a blind worship for this very human and variously limited document is a different matter. Our respect for it should be mixed with self-respect as intelligent citizens facing modern conditions and problems. We are constantly being reminded that Gladstone called it ''the most wonderful work ever struck off at a given time by the brain and purpose of man.'' Perhaps it was, but a reading of history shows that it was also born of emergency and fashioned by compromise. The collapse of the Confederation had left the colonies in desperate straits, and quarreling among themselves. Commercial and financial chaos reigned. Something had to be done. Order, harmony and united stability had to be brought out of confusion and conflict. The Constitution, framed so as to accommodate commercial and colonial disputes, and in fear of the people, was urged by a leading class and adopted by a minority—accepted as better than nothing. It was another case of the colonists hanging separately or hanging together. ''In only three of the thirteen states,'' as James M. Beck writes, ''was the Constitution ratified without controversy. In the remaining ten the struggle was long and arduous, and nearly a year passed before the requisite nine states gave their assent. Two of the states refused to become parts of the new nation, even after it began, and three years passed before the thirteen states were re-united under the Constitution.'' Nor was the dissatisfaction due wholly to the absence of the Bill of Rights—that is, the first ten amendments. Nor even to the fact that it is impossible by compromise to satisfy everybody. The Constitution was a good piece of work according to the urgent needs of the political and economic situation and the prevailing social philosophy of the times, but it had its faults and deficiencies and some of them are now greater as well as more apparent than ever before. Just why we should be asked to believe in its divine perfection is difficult to see.

The hands-off doctrine is a weapon of defense against the people and the popular will and against "socialistic" legislation, even social legislation. It will be used, undoubtedly, to discourage a child-labor amendment to the Constitution—this, and the largely anachronistic but still convenient and partially valid doctrine of state rights. Not that the avowed reverence for the Constitution and the avowed love of state rights are always put forth with complete sincerity; often, on the contrary, they come in the category of catchwords, designed to fool the people and divert them from *their* designs.

Distrust of democracy in general and opposition to a specific popular aim will operate together in an effort to frustrate the child-labor amendment. "Hands off the sacred Constitution!" "Don't tinker—it's dangerous!" But whose constitution is it? And the warning, "Don't tinker," might lead to a fruitful inquiry: Dangerous to whom and what? In this particular case, for instance? It would be futile to deny that there should be no checks on precipitate and excited mass action, and no difficulty at all in amending a written constitution such as ours, but too great and continuous repression of the people in politics is an invitation to far-reaching revolt and excessive change in law and government. Loss of the child-labor amendment will not bring about a revolution, but the proposal of amendment offers an opportunity for democracy to assert itself. This proposal will have to encounter whatever force the general "hands-off" doctrine may exert and run the gauntlet of all the risks incident to the amendment process, which is difficult and uncertain enough.

DIFFICULTIES OF AMENDMENT

The indirectness, awkwardness and slowness of the amendment process is a heritage from the anti-popular convention which framed the Constitution. Article V of the Constitution provides that ''The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Congress.'' The method of ratification by the state legislatures is the only one that has ever been used; likewise, only Congress has proposed amendments.

As Professor Smith says in the book already quoted, ''We need not be surprised that no provision was made in the Constitution for its original adoption, or subsequent amendment, by direct popular vote. The fact that the people cannot directly propose or even ratify changes in the fundamental law is a substantial check upon democracy.''[13] Proposal and ratification are in the hands of office-holders—partisan office-holders at that, many of them mere politicians. Of course it is up to the people to elect good men to office, but they often make mistakes; in any case, practical politics is not always the same thing as truly representative government. Elections involve many candidates and many issues, and the results are irremediable for long periods—until another election when there are many candidates and many issues.

In the Virginia convention held to ratify the Constitution, Patrick Henry was moved to say, regarding Article V: ''Let us suppose—for the case is supposable, possible and probable—that you happen to deal those powers to unworthy hands; will they relinquish powers already in their possession or agree to amendments? Two-thirds of Congress or of the state legislatures, are necessary even to propose amendments. If one-third of these be unworthy men, they may prevent the application for amendments; but what is destructive and mischievous is, that three-fourths of the state legislatures, or of the state conventions, must concur in the amendments when proposed! In such numerous bodies, there must necessarily be some designing, bad men. To suppose that so large a number as three-fourths of the states will concur, is to suppose that they will possess genius, intelligence and integrity, approaching to miraculous.''[14] It is not so much the danger from unworthy or designing men, however, that need be feared; it is rather the simple fact that a few men, however honest in their opinion and their action, are able to thwart the long-considered and earnest desires and plans of the people.

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[13] J. Allen Smith, *The Spirit of American Government*, p. 43.

The Virginian went on to say: ''Four of the smallest states, that do not collectively contain one-tenth part of the population of the United States, may obstruct the most salutary and necessary amendments. . . . A bare majority in these four small states may hinder the adoption of amendments; so that we may fairly and justly conclude that one-twentieth part of the American people may prevent the removal of the most grievous inconveniences and oppression.''[15] To-day a bare majority in the legislatures of thirteen states having a total population of less than five and a half millions, out of more than 105,000,000 in the whole country, is competent to defeat an amendment proposal submitted for ratification.

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[14] J. Allen Smith, *The Spirit of American Government,* p. 45.

[15] Quoted in Smith, *ibid.*

THE ISSUE OF MAJORITY RULE

More than a dozen years ago the people of this country—or of *these* United States, if you prefer—had come to the conclusion that child labor was in some sense a national problem and to some extent should be dealt with in a national way. When sufficient time had elapsed for Congress to realize the state of public opinion and to act upon it, a federal child-labor law, based on the power of Congress to regulate interstate commerce, was passed. That was in 1916. In the following year the act went into effect and in 1918 the United States Supreme Court declared it unconstitutional.

Writing in the *North American Reveiw,* soon afterward, Professor Frederick Green of the University of Illinois Law School, said: "This is the most important decision that any court has made for many years. . . . In its effect on child labor, and, in a sense, in its denial to the nation of power to make its will effective, the immediate results of the decision are regrettable; but if it brings about an amendment to the Constitution which will give Congress power to deal directly with the subjects that it ought to have control of, the decision may prove a blessing in disguise."[16] All of this might have been said with equal propriety, and indeed was said, after the decision declaring unconstitutional the child-labor act of 1919, which was based on the federal taxing power.

In both instances proposals were made for the limitation of the powers of the Supreme Court, by constitutional or legislative means, so that the will of the people should not be obstructed or thwarted by the judicial body. But such limitation would not have overcome the obstacle to effective federal legislation on child labor which lies in the fact that Congress has no constitutional power to deal directly with the problem. It can use only its enumerated powers, and must therefore, under the Constitution, reach child labor in a roundabout way. If it is to deal with child labor at all it should deal with it as child labor, and that apparently is what the people want. And that, of course, means amendment of the Constitution.

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[16] Article in *North American Review,* September, 1918.

A child-labor amendment does not involve any extensive change in the Constitution, but it does involve the question of majority rule. The majority opinion on federal child labor legislation is evident, but majority rule on that issue is obstructed and threatened, first by reluctance to change the time-honored and certainly not-to-be-despised Constitution of the Fathers; second, by the slowness and difficulty of the amendment process; and third, by the fact that amendment can be prevented, under that process, by a minority of the people—indeed, by a small minority. And yet the principle of majority rule is now one of the most universally accepted doctrines of American democracy. It will be said, of course, that the rights of the states must be protected; that the Constitution exists partly for that purpose; that federal child-labor legislation invades the province of state rights. But federal child-labor legislation invades that province only because the Constitution is yet to be changed to represent the present-day majority opinion regarding child labor as a proper province of federal legislation. The real issue is majority rule, not state rights.

THE DOCTRINE OF STATE RIGHTS

Charles W. Pierson, in "Our Changing Constitution," remarks that the salient feature of the document is the duality of the form of government which it outlined. He deprecates the fact that "the constitutional equilibrium between the general and the state governments," which Hamilton so admired, has not been preserved. That equilibrium has been disturbed, just as the Constitution itself has changed (through amendment, judicial interpretation, and executive practice), in obedience to the irresistible forces of history. We cannot turn back the clock of time or progress. And after all, ours is a federal state, not a federation of sovereign states; the states are only parts of a greater, a superior organism.

The old doctrine of state rights, largely a matter of state sovereignty, was destroyed by the Civil War. After Sumter was fired upon, Lincoln addressed to Congress a message in which he showed the false foundation upon which the doctrine rested from a historical and constitutional standpoint. It was the Union that created the states, not the states, the Union. "Having never been states, either in substance or in name," said the President, "outside of the Union, whence this magic omnipotence of state rights, asserting a claim of power to lawfully destroy the Union itself? Much is said about the 'sovereignty' of the states, but the word even is not in the national constitution, nor, as is believed, in any of the state constitutions. What is a 'sovereignty' in the political sense of the term? Would it be far wrong to define it 'a political community without a political superior'? Tested by this, no one of our states, except Texas,[17] ever was a sovereignty, and even Texas gave up that character on coming into the Union, by which act she acknowledged the Constitution of the United States and the laws and treaties of the United States made in pursuance of the Constitution to be for her the supreme law of the land."

That old doctrine is no longer at issue, but some of the assumptions back of it are still back of the modern doctrine of state rights. Lincoln's words in 1861 may still be considered. We have forty-eight states in the Union today, and they derive their powers from the federal constitution as truly as does the national government. The powers of the national government were all enumerated, or implied; those of the states were "reserved," but they were reserved by the Constitution. The Constitution distributed powers, and it was intended that those functions which are essentially national in character should be performed by the national government. To-day, what functions are essentially national in character? There is room for difference of opinion on this subject, but in a century and a quarter there has been time for a change of opinion. That change of opinion has from time to time been incorporated into actual political and governmental practice, by demand and consent of the people. It is seen in national legislation under the implied-powers clause of the Constitution, and in judicial decisions from the time of Marshall, who was first in the Supreme Court to speak the words, that emphasize nationality.

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[17] Also Vermont. See Rowland E. Robinson: *Vermont: A Study of Independence.*

Henry Litchfield West, in his review of "Federal Power: Its Growth and Necessity," makes plain that "The wide extent of power now enjoyed by the Federal Government has been given it by the people." A pregnant paragraph is this: "The extension of the power and authority of the Federal Government has been erroneously characterized as federal usurpation. The dictionary definition of the word 'usurpation' is 'the act of seizing, or occupying and enjoying, the place, power, functions or property of another without right.' This is not the situation as it exists in the United States to-day. Power and functions have been thrust upon executive officers, the visible impersonations of the federal government, by the representatives of the people in Congress assembled. Hamilton very properly observed, in the 'Federalist' papers, that the fabric of the American empire ought to rest upon the solid basis of the consent of the people; and if the people consent to grant large powers to the Federal Government, those powers are legitimate and are not usurped."[18]

Implied powers, exercisable only in connection with, or, we might almost say, under cover, of the specially enumerated powers of the Federal Government, have given us such results as the following: a protective tariff, the federal reserve banks, laws relating to navigation, laws regulating immigration, the Interstate Commerce Commission, the Selective Draft Act of 1917, the Morrill Land Grant Colleges, the Smith-Lever Act in aid of agriculture, the Smith-Hughes Act in aid of certain forms of vocational education, the Maternity and Infancy Act, the Sherman Anti-Trust Law and its revisions, the Anti-Lottery Law, the Pure Foods and Drugs Law, and so on. This is an offhand and incomplete list. It represents measures for which there was no clearer mandate in the Constitution than for federal child-labor legislation; measures which were due to national needs and national sentiment; measures which, in most cases, were opposed on the ground that they trod upon the rights of the states.

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[18] Henry L. West, *Federal Power: Its Growth and Necessity,* p. 97.

What are the rights of the states? Certainly they do not inhere in any divine or historical prerogative. They are purely constitutional rights, and the Constitution belongs to the people. State rights derive from exactly the same source as federal rights—from the people. The people, in many matters of public policy and legislative action, have been forgetting the states and remembering the nation, or sometimes, remembering the states and turning to the national government as a last resource. But it is true that they are thinking nationally rather than, so to speak, statically. They have not forgotten the Constitution; and they find it, in quest of their aims and purposes as a people, more often a bulwark of state rights than of federal rights. Where state rights, constitutionally, are involved as obstacles to these aims and purposes, the conflict is between state rights and popular rights, and the right of the people to change their constitution may be invoked.

Apart from the Constitution, the validity of state rights is to be measured by reference to the two principal reasons why the American people, for several generations, have been turning more and more to the federal government: the first of these reasons is the failure of the states to do certain things which they have it in their power to do, and the second is the better suitability of federal action in certain matters of public welfare. The people take an entirely practical view, and adopt the method of procedure—as between state action and federal—which seems the better adapted to the fulfillment of their will; and they often decide not only that federal action is quicker, but that it is otherwise more logical and appropriate than state action.

STATE RIGHTS AND NATIONAL NECESSITY

In 1906 Elihu Root warned the states that if they have any intention or hope of preserving their primal importance under the constitution, they must see to it that their functions are properly performed—with regard to more than local advantage, with regard to the welfare of other states, with regard to the welfare of the nation as a whole. ''It is useless for the advocates of states' rights to inveigh against the supremacy of the constitutional laws of the United States, or against the extension of national authority in the fields of necessary control, where the states themselves fail in the performance of their duty. The instinct of self-government among the people of the United States is too strong to permit them long to respect any one's right to exercise a power which he fails to exercise. Sooner or later constructions of the constitution will be found to vest the power where it will be exercised—in the national government.''[19] Or, if not constructions, then amendments. There are no constitutional obstacles of any kind to state action against child labor, or to adequate action. The rights and powers of the states in this field of legislation are unlimited.

The federal Anti-Lottery Act was passed in face of the state-rights argument. After its passage its constitutionality was challenged on the ground that the regulation of lotteries was wholly within the jurisdiction of the police power of the several states; but the Supreme Court ruled that lottery tickets, as subjects of traffic, fell under the regulatory power of Congress with regard to interstate commerce, and at the same time under an implied police power. Justice Harlan, in handing down the decision, said: "As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the 'widespread pestilence of lotteries' and to protect the commerce which concerns all the states, may prohibit the carrying of lottery tickets from one state to another." Here was an expression of the paramountcy of national interest. The principle, however, did not avail when the Court decided the child-labor cases.

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[19] Quoted in Pierson, *Our Changing Constitution*, pp. 150–151.

We are not, at the moment, so much concerned with judicial decisions as with the national thinking of the people, though many decisions of the Supreme Court have seemed to reflect it and tended to promote it. In opposition to the Pure Food bill the state-rights argument was used without avail. It was contended that the constitutional rights of the states were invaded, but the argument of paramount necessity won the day against state rights and the fact that many of the states already had laws regulating the sale of foods and drugs and prohibiting their adulteration. These laws were diverse, confusing and often contradictory, however, and there was no protection of the people at large against interstate commerce in adulterated and misbranded articles. The last words spoken in the debate were these: "I trust no member of this House will so far forget the good of his constituents as to vote against this bill." The bill was passed.

The federal act authorizing the Secretary of the Treasury, in the event that the quarantine regulations of any state or municipality were not, in his opinion, sufficient to prevent the introduction of infectious or contagious diseases from foreign countries, to promulgate rules and regulations which would supersede state law, went through virtually the same history. In the debate on the bill, Representative Rayner, a Maryland Democrat, said: "Some of the states—but very few indeed—have ample and efficient quarantine regulations, while others have legislation upon the subject which is utterly impotent for the purpose for which it was designed, and still others have no statutes or provisions upon the subject at all. It is idle and useless to say that this is a matter that ought to be left to the conflicting laws of the different states. No one state has it within its power to protect itself from the importation of an epidemic.''

In 1906, arguing for the first child-labor bill introduced in Congress, Senator Albert J. Beveridge, its sponsor, said: ''When an evil is a national evil, it must be cured by a national remedy. When the evil is purely local—where it is confined to one state and no other—that state might possibly be left to cure it. . . . But if child labor is scattered all over the land, if some states are clear of it, and others are foul with it, then it becomes a subject for the combined intelligence and massed morality of American people to handle. And even if every state in the union but two or three were to remedy the evil effectually, still those two or three states would be pouring streams of bad citizens into the whole nation, and the whole nation would be affected by them, because every citizen is a citizen, not of one state only, but of the nation as a whole.'' Both the Federal Act of 1916 and that of 1919 were annulled; but, in the words of West: ''The reasons which have compelled the enactment of beneficent and humane Federal laws obtain with especial force in the matter of child labor and eventually the proposed and necessary reform will be achieved.''

We cannot expect the state-rights idea to hold its own forever against the idea of paramount national interest and necessity—of the greatest good to the greatest number of people, including children. Nor against the historical fact that state lines have ceased to mean what they probably did mean in the days of undeveloped transportation and communication. Industrial and commercial history have blurred the boundary lines between states. State life has largely given way to national life. ''Very few of our multifarious activities,'' remarks John Corbin, ''are held within the bounds of a single state.'' Is it any wonder that state rights mean less and less to the people when state boundaries mean less and less? Is it any wonder that, with economic production, distribution and consumption ignoring state boundaries, the federal government is looked to in time of strikes, of coal famine, of farmers' bankruptcy, of profiteering in the necessities of life—not only because it has the greater power, but because it is *national?*

Is it any wonder that the people are beginning to take the point of view of the railroad engineer? What that is, John Dewey has told in this significant passage: ''The standpoint of the engineer is that of direct, constant intercourse and intercommunion between all the different parts of our country. The railroad train and the railroad in its transportation of people and goods does not and cannot recognize the state divisions. It is a question whether we are going to take the narrow, legal, technical point of view regarding our political units, or whether we are going to take the point of view of the engineer, which recognizes the constant, continuous intercommunion of both persons and goods, and the interdependence of all parts of the country upon each other thus brought about.'' The state-rights point of view is rapidly yielding, so far as public opinion is concerned, to that of the engineer.

It is safe to say that the doctrine of state rights, urged against the passage of federal child labor bills on several occasions in the last decade and a half, and upheld by the United States Supreme Court on constitutional grounds in two decisions involving federal child-labor legislation that had been passed, will be urged again in opposition to a constitutional amendment authorizing such legislation; but it is also safe to say that it will not, of itself, suffice to prevent its adoption. In public opinion, if not always in judicial decisions, the idea of national unity enters dominantly into the idea of governmental duality. In 1918 Henry L. West wrote: ''Long before the war with Germany was declared, the doctrine of state-rights had vanished and the doctrine of paramount necessity had taken its place.''

Mr. Beck, in his London lectures, in 1922, said of the growth of federal power and activity: ''Originally, the States were the powerful political entities, and the central government a mere agent for certain specific purposes; but, in the development of the Constitution, the nation has naturally become of overshadowing importance, while the States have relatively steadily diminished in power and prestige. These inevitable tendencies in American politics are called 'centralization,' and while for nearly a century a great political party bitterly contested its steady progress, due to the centripetal influences above indicated, yet the contest was long since abandoned as a hopeless one, and the struggle to-day is rather to keep, so far as possible, the inevitable tendency measurably in check.'' This seems the reasonable attitude.

LESSONS FROM THE WAR

The chief and most convincing argument for national action against child labor is found in the fact that the evil is national not only in its distribution but in its effects. This aspect was strikingly shown by the selective draft. Most of the deficiencies of individual and of national man-power that the call to the colors disclosed had their beginning in childhood. In many instances they had their beginning in child labor. When fifty-five per cent of the men from Pennsylvania who were examined in the first draft were rejected as physically unfit for military service, John A. Lapp explained this exceptionally high rate as probably due in large measure to the fact that Pennsylvania for some twenty-five years had not had an adequate child-labor law. Not only physical handicaps of the drafted men were traceable in part to child labor, but the nervous and mental disorders and the appalling amount of illiteracy and near-illiteracy. Child labor, both in its direct effects on body and mind and in the effects produced by depriving children of schooling and play, is a serious menace to individual and national man-power.

We went into the War with the handicap of previous child labor; we came out of it with the stain of increased child labor upon our record. A senseless, needless increase, truly, but an increase notwithstanding of from twenty-five to fifty per cent—perhaps more, nobody knows. This war-accelerated exodus of children from the schools into industry began before America took the sword. For this the demand for labor to fill contracts placed with American manufacturers by the belligerent European nations was largely responsible. With the declaration of war by the United States, and the subsequent withdrawal of several millions of men and women from their customary employments, the exodus from the schools became more rapid and the child-labor situation more acute.

Children left school and flocked to the mills, shipyards, and factories because there was room for them, because employers were talking to them speciously but glamourously in the language of patriotism, because the children were lured by the high wages, because parents were short-sighted or avaricious or both, because of the rising cost of living and the added economic strain on families, because the schools lacked holding power, because the compulsory-attendance and child-labor laws, woefully weak before, were further weakened. It was not only into industry, in the narrower meaning of the term, that the children went; they went, hosts of them, into general and specialized agriculture, into street trades, into work in offices, stores, garages, hotels, all sorts of jobs. Many of the children, ordinarily, would have stayed in school for several years. The large and rapid augmentation of the amount of child labor continued up to the very day of the signing of the armistice. Then many of the juvenile workers were thrown out of employment, very few of them going back to school; while others during the period of military demobilization helped to keep returning soldiers out of employment.

The war lasted long enough to do an irreparable injury to America through the increase of child labor, an injury in no less degree irreparable because the War did not last longer and the total injury mount to larger proportions. But the vast war-time increase gives rise to other sober thoughts, to disappointing and disquieting reflections concerning ourselves. It is true that conditions were abnormal, but our grievous fault was that we failed to guard the children against abnormal conditions. Disregarding the experience of Great Britain, where in the beginning the schools had been allowed to go to smash and the barriers against child labor to fall, and where after a year the folly of it had become so fully recognized that a halt was called and protection restored; disregarding the example and warning of France, whence came the appeal to keep the schools running and to keep the children in the schools, we plunged headlong into a career of reckless neglect, even exploitation, of our boys and girls at home. We forgot, apparently, our last line of defense, our last line of defense in war or peace; we forgot the children. Rather, we did not forget; we sent them forward into the trenches of industry that they might save us from disaster and share the credit and glory of the final victory. No peace could there be without victory, and no victory without child labor!

But of course there was opposition to child labor during the War. Near its close Secretary Franklin K. Lane wrote: "Many agencies, both governmental and private, have united in urging the people of the United States not to forget the interests of the children while engaged in the great war which is now ending in victory for freedom and democracy. The Department of the Interior, with its Bureau of Education, and the Department of Labor, with its Children's Bureau, have been especially active in making sentiment for the maintenance of the schools and the enforcement of school attendance and child-labor laws, and the promotion of the health of children in school and in the home. Other departments of the Government have given valuable assistance in many ways. Among non-governmental agencies the National Child Labor Committee has done much valuable work to these ends." As the people at large became better informed as to what was happening in respect of child labor, their good sense and good judgment, their humanitarian spirit and their patriotism, began to assert themselves, and at the last there was in America a wider-spread and more intelligent interest in the child-labor problem than at any previous time in the history of the country.

The events that followed on the decision of the Supreme Court, in June, 1918, declaring unconstitutional the federal child labor law enacted before the war, are still of instructive interest. There was an immediate and tremendous increase in the number of children employed in mills and factories. This was possible under the state laws, and many of the state laws, at the beginning of the War, had been deliberately weakened in their provisions. The War Labor Policies Board, representing the federal power, stepped into the breach made by the court decision, and did what it could to repair the damage. It issued an order making the following clause a condition of all war contracts: "The contractor shall not directly or indirectly employ in the performance of this contract any minor under the age of fourteen years, or permit any minor between the ages of fourteen and sixteen years to work more than eight hours in any one day, more than six days a week, or before 6 A.M. or after 7 P.M."

In a public statement, Felix Frankfurter, chairman of the board, set forth the grounds on which its policy, and that of the whole War Organization, was based. He said: "The prohibition of the employment of children below certain ages does not mean that the employment of children above those ages is favored. To recruit children of fourteen to sixteen years of age for industry is ignoring their future value as trained workers. Neither the patriotic desire to serve immediately, nor the attraction of high wages, should draw children from school to work. Children above the minimum age of permitted employment must still be considered as potential citizens, and not merely as present producers. The sacrifice involved in the premature labor of children is not yet necessary. The curtailment of non-essential industry, and the employment of men and women not now productively engaged, will undoubtedly prove sufficient to care for the requirements of the conduct of the War. In order to satisfy the claims of the future, the maintenance of present educational and child labor standards is indispensable. The formative years of youth should be safeguarded by purposeful training of developed usefulness in the nation. The time is not yet in sight when the defense of the nation must be assumed by children. The men and women of America are competent to the task.'' And this is good philosophy for the times of peace.

To take the place of the invalid federal law, friends of America's children were trying to draft another measure which would be likely to stand the test of constitutionality. Several bills were introduced, among them two or three which were based on the so-called ''war power'' of Congress. The war power is a vague and elastic quantity, as was shown on innumerable occasions in 1917–18. It carries nationalism to its highest, or most extreme, degree. But in war time, nobody seems to mind very much—except profiteers in goods and human labor. In war time, nobody seems to mind state rights very much—except those same people. Whatever the people at large conceive to be necessary to the national interest can be done at their instance or with their approval under the war power—though it often must be done by stretching pretty far the doctrine of implied powers, or even in defiance of the constitution itself. The war was over before a second child-labor bill was passed. There being no ''peace power'' to meet the need, Congress enacted a child-labor law under the taxing power. That, too, has ceased to be.

PEACE-TIME PATRIOTISM

Engrossed in the immediate tasks of winning the War, we in America were too busy at first to give to the working children's cause the attention to which the revelations of that time and the logic of national self-interest showed it to be entitled. The danger is, now, that we shall become too busy with the many tasks and enterprises of business, commerce, finance, with our devotion to personal getting and spending, to render due service to the children of the nation and through them to the nation itself. The danger is that we shall return—if indeed we have not already done so—to the old selfish absorptions and excuses out of which we were lifted in our great patriotic enthusiasm. The danger exists because the War has not rid us as a people of our capacity for nationally egregious follies of omission and of commission. It was thought that we had learned to be thrifty in matters of money and material possessions, but the War was followed by an orgy of extravagance. Apparently some of the lessons of the War are still to be learned and applied; they include lessons in other-thriftiness. The War is over—what shall we do now with its lessons? The criterion of intelligence is this: its possessor not only can, but does, profit from past experience. How intelligent is America? Or must we have failed in the War in order to be intelligent afterwards?

During the War there was a looking-forward to the "new world," "the new day," that was to follow here in America. In every way imaginable the "new world" after the War was to be better than the "old world" before the War. The War is over and we are living in that expected "new world," that new and better time. It is not so new and so much better as we expected—and we did not, perhaps, expect that it would be! The "new world" is new because it is present here and now. "The new world" is our opportunity. The "new world" is what we make it. What nation shall be greatest among the nations of the "new world"? That nation shall be greatest that puts children first in its thought, in its politics, in its economics, in its ethics. The nation that accepts the leadership of little children and sets them in the midst of its counselors, that nation will lead all others in the health, intelligence, morality, efficiency and happiness of its citizens and in national prosperity both material and spiritual. On the quality of nations international peace and progress depend.

Obedience to our humane impulses is our patriotic duty. Patriotism and humanitarianism rest at bottom on the same social instincts, or, we might say, on the fact, pointed out, long ago, that man is a social animal. The refinements of psychological analysis need not deter us from saying that kinship and kindness are intimately bound together. Kinship and kindness both tend to overflow their original bounds; kinship of blood becomes the kinship of association and of common interests and ideals, while kindness goes out to an ever wider and wider brotherhood. The idea of kinship takes the place of actual tribal kinship; the idea of brotherhood takes the place of close blood relationship. We are united by sympathy, a biological product active in every individual. We have not only a fellow feeling, but a feeling for our fellows. Loyalty and altruism are the chief instincts of social cohesion and solidarity. As instincts they were established by natural selection during the long prehuman stage of man's evolution, but their force and effect have been enlarged by such intellectual elements as language, abstract ideas, self-consciousness, and reason. They developed in the individual by his own experience in the various in-groups of which he is a member, not least of all by group and team play in childhood. They are shown in the tendency to act for the good of the social group of which one is a part. They are the basic elements of patriotism. Humanitarianism is shown in the tendency to act for the good of the individual members of the group, and it is more than pity.

We of America are alike because we are all Americans, not Americans because we are all alike. We are kin one of another. We are members of an in-group. In a crisis we stand together for group safety and the preservation of what is common to us, and we call it patriotism; but there is patriotism in peace-time when for the sake of the group we stand together and work together, with loyalty and altruism, with unselfishness and self-sacrifice, for the good of the country. Peace-time patriotism calls for more imagination than does war-time patriotism. It calls for thoughtful imagination. War *forces* us to think. It forces us to think not only of the group but of the members of the group. Patriotism and humanitarianism were joined during the recent war. What we did for the soldiers, for their families at home, for the children of the nation, was an expression of patriotic humanitarianism. There was manifested a humanitarianism of human conservation and of promotion of morale among soldiers and civilians. It was thoughtful of man-power and of nation. It was a nationally constructive humanitarianism in spirit and in fact. By the same token it was socially constructive. The *social* aims and purposes of which the people had been hearing before the war in connection with humanitarian effort lost their vagueness when the war translated them into *national* aims and gave them meaning and reality. The War set the patriotic imagination at work in social service.

''The striking phenomenon in our modern world, and especially in our United States,'' writes Professor Taussig, discussing the basis of altruism, ''is the widening range of this gregarious feeling, the consciousness that we are all, even though less than kin, yet something of kind. A stronger sense of social sympathy enfolds us all. This was the great moving force of the social legislation of the nineteenth century; probably it will be a force of even greater power in the present century.'' Writing of the conservation of material resources, Professor Ely gives us a suggestion applicable to the conservatism of human resources. ''The need,'' he says, ''is intellectual and moral education, a better vision and more altruism. We need a keener social consciousness and a new state-sense, if we are ever to solve the problems of conservation.'' In solving the problems of human conservation, including the conservation of childhood, that new state-sense will be found of great potency. What is it, in effect, but a more imaginttive, a farther-seeing, a better reasoned patriotism?

In war we are one people, one nation. Economically, and otherwise, we are one nation in time of peace. *The New Republic* says editorially: "We are one nation, but economically our states are in very different stages of development. In the older industrial states the ultimate consequences of child labor are perhaps well enough known to produce a strong sentiment against the system. In the newer industrial states that is not the case. But even in the older states there are powerful interests that have not given up the fight for child slave labor. Always they point to the fact that the products of a state which conserves the health of its children must meet the competition of the products of States which do not. Economic specialists may point out that in the long run child labor never pays, and the states that employ it will be beaten in the competitive race. But legislatures are not made up of economic specialists, and the specious argument from interstate competition affects them profoundly."

THE PARAMOUNTCY OF THE CHILD

Child labor may pay individual employers in the short run, but not industry or the nation in the long run. The broad view, the long view, is the view of statesmanship. Economic considerations of whatsoever kind must yield, however, and even broadly social considerations must yield, to the far more important argument against child labor —the right of the child to his childhood. It is the child we should think of first. The social, economic and national benefits of child protection are sure, but secondary.

The purpose of child-labor legislation, whether state or federal, is to protect children. In furtherance of that purpose, we may properly seek at one and the same time to improve existing state laws and clear the way by amendment of the federal Constitution for a new and valid federal law. We must not forget that even child laborers grow up—most of them. They are growing up now, leaving their places in the child-labor ranks for the children who everlastingly follow. Child labor goes on—and on. The earliest possible stopping of this process, by state action or by federal, or by both together, is an urgent matter, a charge upon our consciences, and it is not, primarily, a matter of political theory. A condition confronts us, and it is time the condition was ended. Child protection is the paramount issue, not ''state rights'' or ''federalization.''

Undoubtedly the greatest single factor in the promise of the future is the political influence which American women have newly acquired and now possess in their ballots and in their various clubs and societies. Not only in the campaign for a federal amendment, but in the effort to improve state laws and administration, this influence will have extraordinary potency. But the obligation of making secure the realm of childhood rests equally upon all citizens.

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CHAPTER VII

INTERNATIONAL LEGISLATION

Through the International Association for Labor Legislation, with its constituent bodies in different countries, a considerable effect has been produced in bettering the conditions of labor in different parts of the world. International conferences under governmental auspices have tended in the same direction. Child labor was the subject of a recommendation made by the Berne International Conference of 1913, when the prohibition of the employment at night of children under sixteen years of age was proposed. But progress in child-labor legislation through international co-operation has been mostly in the last few years, through the work of the International Labor Organization established by the Peace Conference at Paris in connection with the League of Nations. Early in its sessions the Conference had pronounced itself in favor of "the abolition of child labor and the imposition of such restrictions on the labor of young persons as shall permit the continuation of their education and assure their proper physical development."

THE INTERNATIONAL LABOR ORGANIZATION

The purpose of the Organization was stated in the preamble to Part XIII of the treaty of peace: "Whereas, the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice; and, Whereas conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labor supply, the prevention of unemployment, the provision of an adequate living wage; the protection of the worker against sickness, disease, and injury arising out of his employment; the protection of children, young persons, and women; provision for old age and injury; protection of the interests of workers when employed in countries other than their own; recognition of the principle of freedom of association; the organization of vocational and technical education and other measures; and, Whereas also the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries, the high contracting parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following. . . .'' Here the details of organization and function are set forth.

The International Labor Organization consists of fifty-five member nations. At first the membership was the same as that of the League of Nations, but the Labor Organization has received members from outside the League—Germany, Austria, and several others. The Organization functions separately from the League of Nations, though in close affiliation with it; it has its own governing body and its International Labor Office, located at Geneva. Each nation is represented in the annual International Labor Conference by four delegates, two from the public, one from employers, and one from workers. Labor matters are discussed, resolutions passed, and draft conventions adopted. The draft conventions are submitted by each delegation to that authority in its country which is competent to take them up with a view to ratification. They come into force, as between the ratifying nations, at the day on which the ratification of two member nations of the International Labor Organization has been registered by the Secretary-General. Ratification imposes a full and binding obligation to put into force by appropriate legislation, and keep in force for ten years, the provisions of the convention. A ratified draft convention has the same force and effect as a treaty.

Two hundred and fifty laws on labor matters have been passed in different countries in accordance with the draft conventions adopted by the International Labor Conferences. Draft conventions relating to child labor were adopted at the first three of these conferences—the one in Washington in 1919, the one in Genoa the following year, and the one in Geneva the year after. We shall speak of these and the resultant laws.

CHILD-LABOR CONVENTIONS AND LAWS

One of the most interesting and significant of the draft conventions adopted at Geneva is that concerning the admission of children to employment in agriculture.

Article I provides as follows: "Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours of school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to cause prejudice to their attendance at school."

Articles II and III read: "For the purpose of practical vocational instruction the periods of the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest provided that such employment shall not reduce the total annual period of school attendance to less than eight months."

"The provisions of Article I shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority."

The Labor Conference also adopted several "recommendations" relating to agriculture. One of them is: "That each Member of the International Labor Organization endeavor to develop vocational agricultural education and in particular to make such education available to agricultural wage-earners on the same conditions as to other persons engaged in agriculture."

The Conference further recommended:

"I. That the Members of the International Labor Organization take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night in such a way as to insure to them a period of rest compatible with their physical necessities and consisting of not less than 10 consecutive hours.

"II. That the Members of the International Labor Organization take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural undertakings during the night in such a way as to insure to them a period of rest compatible with their physical necessities and consisting of not less than 9 consecutive hours.

Also—"That each Member of the International Labor Organization takes measures to insure to women wage-earners employed in agricultural undertakings protection before and after childbirth similar to that provided by the Draft Convention adopted by the International Labor Conference at Washington for women employed in industry and commerce, and that such measures should include the right to a period of absence from work before and after childbirth and to a grant of benefit during the said period, provided either out of public funds or by means of a system of insurance."

A draft convention was adopted fixing the minimum age for the admission of young persons to employment as trimmers or stokers on vessels:

> Article I. For the purpose of this Convention, the term 'vessel' includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.
>
> Article II. Young persons under the age of eighteen years shall not be employed or work on vessels as trimmers or stokers.

Article III. The provisions of Article II shall not apply:

(*a*) to work done by young persons on school-ships or training-ships, provided that such work is approved and supervised by public authority;

(*b*) to the employment of young persons on vessels mainly propelled by other means than steam;

(*c*) to young persons of not less than sixteen years of age, who if found physically fit after medical examination, may be employed as trimmers or stokers on vessels exclusively engaged in the coastal trade of India and of Japan, subject to regulations made after consultation with the most representative organizations of employers and workers in those countries.

Article IV. When a trimmer or stoker is required in a port where young persons of less than eighteen years of age only are available, such young persons may be employed, and in that case it shall be necessary to engage two young persons in place of the trimmer or stoker required. Such young persons shall be at least sixteen years of age.

Article V. In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of eighteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Still another of the draft conventions adopted provides that:

"The employment of any child or young person under eighteen years of age on any vessel other than vessels upon which only members of the same family are employed, shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a doctor who shall be approved by the competent authority.

"The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, after each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

"In urgent cases, the competent authority may allow a young person below the age of eighteen to embark without having undergone the examination provided for in Articles II and III of this Convention, always provided that such an examination shall be undergone at the first port at which the vessel calls.''

It will be remembered that, at the second International Labor Conference, held at Genoa in 1920, a draft convention was adopted providing that: ''Children under the age of fourteen years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.'' This restriction was not to apply to work done by children on school-ships or training-ships if such work were approved and supervised by public authority.

In Washington in 1919, where the first International Labor Conference was held, a draft convention was adopted applying to the admission of children in industrial undertakings: ''Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.'' The term ''industrial undertaking'' was lengthily defined in the draft convention, which was published in full in the *American Child* for November, 1919. Incorporated in the provisions of the Convention were several special modifications applying separately to Japan and to India.

The Washington Conference adopted a draft convention concerning the night work of young persons employed in industry, providing that—''Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

''Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process, is required to be carried on continuously day and night:

> (*a*) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process).
> (*b*) Glass works.
> (*c*) Manufacture of paper.
> (*d*) Manufacture of raw sugar.
> (*e*) Gold mining reduction work."

There was also a recommendation that, "in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of eighteen years be excluded from employment" in certain enumerated processes involving the danger of lead poisoning.

The following members of the League of Nations have passed acts providing for the ratification of, or giving effect to, the Washington draft convention fixing the minimum age for admission of children to industrial employment: British Columbia, Belgium, Czecho-Slovakia, Great Britain, Greece, Roumania, Bulgaria, Switzerland.

The Washington Convention relating to night work of young persons has been adopted by: British Columbia, Belgium, Denmark, Great Britain, Greece, Roumania, Bulgaria, India, Switzerland.

Bills are known to have been introduced providing for the ratification or giving effect to both of these Washington draft conventions in Argentina, Belgium, Brazil, Chile, Denmark, France, Italy, Japan, the Netherlands, Portugal, Spain and Switzerland. Germany has a bill fixing the minimum age in accordance with the draft convention, and Poland a bill concerning night work of young persons. Some of these countries have adopted one or both of these draft conventions, but their action had not, at last accounts, been officially reported to the office of the International Labor Organization.

Great Britain, Germany, Italy and Sweden have passed measures ratifying or giving effect to the Genoa draft convention fixing the minimum age for admission of children to employment at sea. Bills designed to the same end have been introduced in France, Poland, the Netherlands and India. (We are using the terms ''bill'' and ''introduced'' in a generic sense to indicate the initial steps in the various countries toward the formal and final ratification of the Conference conventions.)

AMERICA'S NON-PARTICIPATION

It should be noted that although the first International Labor Conference was held in Washington and the International Labor Office has an American correspondent (Mr. Ernest Greenwood, 618 Seventeenth Street, Washington), the United States is not a member of the League of Nations and therefore, of course, does not participate in the affairs of the International Labor Organization as a member nation. Quite apart from the question of membership in the League of Nations, and it is still an issue, America's participation in international labor agreements is subject to serious limitations due to our form of government—both constitutional and traditional limitations. In all our agreements with other nations, we must act as a nation; but in labor legislation we commonly, and for the most part necessarily, act as separate states.

Suppose America agreed with other nations to establish some particular child-labor standard in law—the Federal Government could not compel the 48 states to do it, and the decisions of the United States Supreme Court declaring invalid two attempts at federal child-labor legislation indicate that the Federal Government could not put it in force on its own account. The United States is in neither the League of Nations nor the International Labor Organization, and therefore is not taking part in a great, virtually world-wide movement for protection of children from premature and excessive labor—the co-operation of nations which we have described in this chapter.

In affirming the constitutionality of the Migratory Bird Act the United States Supreme Court said: "No doubt the great body of private relations fall within the control of the state,[1] but a treaty may override its power. . . . We see nothing in the Constitution that compels the [federal] government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the states. The reliance is vain." The law was held valid as having been enacted in fulfillment of a treaty obligation. How far the same reasoning might apply to labor laws enacted in fulfillment of similar obligations is an interesting speculation. While treaty obligations may be superior to state rights, federal labor laws, even though designed to carry out treaty obligations and possibly valid on that ground, should be enacted under express authority contained in the Constitution (this means, of course, constitutional amendment). A policy of legislation by treaty is inadvisable, and there should be no semblance of overriding state rights, as there would not be if federal authority in the field of labor legislation were granted and clearly declared in the Constitution.

The unit of international competition is also the unit of international co-operation. International competition in child welfare is a form which we need not fear to encourage. There are signs already of both competition and co-operation in child welfare. It may be that the child will finally prove the great unifier of the peoples of the world—the great bond of common interest and activity.

The child, say anthropologists, possesses in himself "all the chief distinctive characters of humanity," and "the true tendency of the race is to become childlike." Havelock Ellis and G. Stanley Hall aver that the child and the woman are the better and more adequate representatives of what is best in the race and in life. Charles W. Waddle inquires: "May it not be that woman stands for the best things in life, because, far more than man, she follows the lead of the child, understands childhood better, sympathizes more with it, and appreciates it more truly?" One cannot but wonder what effect it would have on the quality of nations, if they should follow the lead of the child, spend their thought largely upon him, make him their principal object of devotion. Perhaps we should then approach to childlikeness of some sort in citizenship, statesmanship, and diplomacy. Would this, after all, with its simplification in many ways of both the inner and the outer world of men, be so bad a thing?

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[1] Referring to the states of our federal union.

The child has been declared, on the highest authority, to be the symbol and type of the Kingdom of Heaven. It is time that the child be given his rightful place in this world and in this country. The twentieth century has been called the "Century of the Child." Let us make America the Nation of the Child.

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APPENDIX

WORKING CHILDREN, DISTRIBUTION BY SEX, AGE AND OCCUPATION

(Tables from U. S. Children's Bureau pamphlet, *Child Labor: Ten Questions Answered.* Source: *Fourteenth Census of the United States, Population, 1920*)

TABLE I.—PER CENT OF CHILDREN ENGAGED IN GAINFUL OCCUPATIONS, BY SEX, 1920

Sex	Children 10 to 15 Years of Age, Inclusive		
	Total	Engaged in Gainful Occupations	
		Number	Per Cent
Both sexes	12,502,582	1,060,858	8.5
Male	6,294,985	714,248	11.3
Female	6,207,597	346,610	5.6

TABLE II.—OCCUPATIONS OF CHILDREN, BY AGE GROUPS, 1920

Occupation	Children 10 to 15 Years of Age, Inclusive		Children 10 to 13 Years of Age, Inclusive	
	Number	Per Cent Distribution	Number	Per Cent Distribution
Total	1,060,858	100.0	378,063	100.0
Agriculture, forestry and animal husbandry	647,309	61.0	328,958	87.0
Farm laborers (home farm)	569,824	53.7	....	*
Farm laborers (working out)	63,990	6.0	....	*
Extraction of minerals	7,191	.7	647	.2
Manufacturing and mechanical industries	185,337	17.5	9,473	2.5
Transportation	18,912	1.8	1,899	.5
Trade	63,368	6.0	17,213	4.6
Public service (not elsewhere classified)	1,130	.1	153	†
Professional service	3,465	.3	621	.2
Domestic and personal service	54,006	5.1	12,172	3.2
Clerical occupations	80,140	7.6	6,927	1.8

* Figures not yet available. † Less than one-tenth of 1 per cent.

TABLE III.—RELATIVE CHANGES IN NUMBERS OF CHILDREN AND OF ALL PERSONS 10 YEARS OF AGE AND OVER EMPLOYED, 1910 TO 1920, BY OCCUPATION AND AGE

Occupation	Per Cent of Increase or Decrease, 1910–1920		
	All Persons 10 Years of Age and Over	Children 10 to 15 Years of Age, Inclusive	Children 10 to 13 Years of Age, Inclusive
Total population	+15.6	+15.5	+18.4
Total gainfully employed	+9.0	−46.7	−57.8
Agriculture, forestry, and animal husbandry	−13.5	−54.8	−58.9
Farm laborers (home farm)	−44.1	−50.8	*
Farm laborers (working out)	−22.1	−75.4	*
Nonagricultural pursuits	+20.2	−25.9	−48.8
Extraction of minerals	+13.0	−60.2	−72.6
Manufacturing and mechanical industries	+20.6	−29.0	−71.1
Transportation	+16.2	− 9.1	−29.1
Trade	+17.4	−10.4	−1.7
Public service (not elsewhere classified)	+67.8	+110.4	+142.9
Professional service	+26.6	−2.8	+7.4
Domestic and personal service	−9.7	−51.9	−62.7
Clerical occupations	+80.0	+12.9	−4.6

* Figures not yet available.

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